

CITY OF NORTH ST. PAUL PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, FEBRUARY 4TH, 2021
6:30 PM

North St. Paul City Hall – Council Chambers
2400 Margaret Street

The City of North St. Paul has moved all of its public meetings online effective August 4, 2020. The move to online meeting access via Zoom ensures compliance with the Governor’s Emergency Executive Order and face covering mandate while providing our City Council members, staff and residents with safe and comfortable access to public meetings. Access information and links to meetings are available at northstpaul.org. This change to online meeting access will remain in effect until further notice. (Stat. 13D.02 subd. 4)

The February 4th Zoom meeting can be accessed [HERE](#) or via:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87556902183?pwd=d2VMK0dBUG5YV2J5SkILd0dJi9XZz09>

Passcode: 617033

Or Telephone:

Dial:

US: +1 301 715 8592 or +1 312 626 6799

Webinar ID: 875 5690 2183

Passcode: 617033

The Planning Commission Zoom meeting will be ‘open to the public’ to listen in, but will be muted from contributing at all times with the exception of a Public Hearing and open to the public forum.

Please join the meeting early to test your audio and video settings. If you join via a device and your audio is not working, you may need to use the dial-in phone number option in order to be heard.

I. CALL TO ORDER

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Blee, Commissioner

Erik Brenna, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice-Chair

Lisa Wong, Commission City Council Liaison

Andrew Wise, Commissioner

Allan Worm, Commissioner

STAFF

Eric Zweber, Planning Consultant

TBD, Planning Secretary

III. ADOPT AGENDA

IV. APPROVAL OF MINUTES

- A. Approval of the December 3, 2020 regular meeting minutes.

V. MEETING OPEN TO THE PUBLIC

Note: This is a courtesy extended to persons wishing to address the Commission concerning issues that are not on the agenda. This discussion will be limited to 15 minutes.

VI. PUBLIC HEARING

- A. None.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

- A. None.

VIII. OLD BUSINESS

- A. 2020-2021 Zoning Code Update Discussion

IX. REPORTS FROM STAFF

- A. 2021 Land Use Application Calendar

X. REPORTS FROM COMMISSIONERS

XI. ADJOURNMENT

The next regularly scheduled Planning Commission Meeting is Thursday, March 4, 2021 at 6:30 p.m.

There will be a special Planning Commission Meeting on Thursday, February 25, 2021 at 6:30 p.m. for training from the City Attorney and Planning Consultant

Item IV.A.

Draft December 3, 2020 regular Planning Commission meeting minutes

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, DECEMBER 3, 2020
6:15 P.M.**

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m. The meeting was conducted via Zoom.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Blees, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice Chair (Joined meeting at 6:55 p.m.)

Tom Sonnek, Commission City Council Liaison

Michael Stahlmann, Commissioner EXCUSED ABSENT

Allan Worm, Commissioner

STAFF

Erin Perdu, City Planner

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Blees, and seconded by Commissioner Gelbmann, with all present voting aye (4-0). Motion carried to adopt the December 3, 2020 Agenda.

IV. APPROVAL OF MINUTES

Chair Barton requested the following amendment to the November 5, 2020 minutes:

-page 7, last paragraph should be amended to reflect that the discussion was regarding a waiver process for parking for residents who do not meet the front yard setback requirement.

Motion to approve Minutes by Commissioner Worm, and seconded by Commissioner Blees, with all present voting aye (4-0). Motion carried to approve the November 5, 2020 regular meeting minutes as amended.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARING

-None.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

VIII. OLD BUSINESS

A. 2020 Zoning Code Update Discussion

Parking Ordinance

Ms. Perdu stated the Planning Commission began a discussion of the parking Ordinance and requested continuation of that discussion. She added the Commission discussed the 10-foot setback rule for people who have short driveways. She added there are three driveways on McKnight Road that do not meet the 10-foot setback requirement. She noted a waiver process was discussed.

Commissioner Blees asked whether there are other cities who might have that same problem, and how they have addressed it. He added there are some properties on Margaret Street that are questionable.

Chair Barton stated variances were given to residents who had to build a garage because their driveway was too short. She added an administrative zoning process might be appropriate rather than a variance, because there are not that many properties. She stressed the importance of recognizing these types of situations and making it easier for Code enforcement by having an established mechanism. Commissioner Blees agreed.

Chair Barton stated there are situations where the front yard setback is not met. She added the variance process would be used under unique circumstances. Ms. Perdu stated there is a cost associated with that process.

Ms. Perdu stated City Attorney Soren Mattick was hesitant to add an administrative waiver process to the Ordinance. She added she will find some sample language that could be included that would describe the circumstances under which the setback would need to be met.

Commissioner Gelbmann agreed, adding there is a home in his neighborhood with a short driveway that was exacerbated by recent road construction.

Ms. Perdu stated she can review this issue and bring back some language related to front yard setbacks for consideration at the Planning Commission's next meeting.

Commissioner Gelbmann stated, on page 13 of 38, Item 3a, for purposes of consistency, "access drive" should be changed to "driveway"

Commissioner Gelbmann stated, Item 3f on the same page should be clarified to reflect that the general standards do not apply in the R1 district. He added the general standards apply to commercial, industrial, institutional and attached residential uses.

Ms. Perdu stated the Planning Commission agreed to allow duplexes in the R-1 district. Chair Barton agreed.

Ms. Perdu stated parking facilities for detached homes cannot be combined, but parking can be combined under certain circumstances for other uses.

Commissioner Gelbmann asked whether that would apply to a conditional use like a church and school that share parking in the R-1 district. Ms. Perdu agreed to take a look at that as it is a good question. She added the language is not new.

Chair Barton stated, under Item E, parking and loading space shall have the proper access from the public right of way. She added it seems that that requirement was moved from somewhere else.

Ms. Perdu stated she did not see an earlier reference to that requirement. She added that could be changed to public right of way or private road, like a townhome development, because that has been an issue in the past.

Chair Barton stated Item #9 refers to off-street parking for detached residential areas. She asked whether that should be “uses” instead of “areas, for purposes of consistency.

Chair Barton asked, regarding page 15, Item F, whether the City should enforce removal and landscaping of existing driveways that do not lead to an authorized parking area or garage. She added there are areas in the City where curb cuts were added that are used for parking in the right of way. She noted the original intent was to remove and landscape these areas by 2013.

Ms. Perdu stated it would be unusual to have language like that in the Ordinance. She added she does not recall an enforcement action on this issue since she has worked for the City.

City Council Liaison Sonnek stated he would be in favor of removing Item F2, as a paved driveway can be used as a parking space as long as it is not in the right of way.

Chair Barton stated there might be an additional curb cut, or an unimproved driveway. She added she is not opposed to removing the requirement, but she would not want to have something in the Code that is unclear.

City Council Liaison Sonnek stated there are few properties with two separate curb cuts, unless it is a corner lot. Chair Barton stated they are also likely to occur in areas that have alleys. She added it does not make sense to have the requirement if it not clearly enforced.

Chair Barton stated Item B should be changed to reflect that vehicles parked in a driveway must not extend or encroach upon the “alley or public sidewalk”.

Sign Ordinance

Ms. Perdu stated the Planning Commission requested a review of the Sign Code as there were some issues that were unclear related to campaign signs during election season. She added she

provided a copy of the Sign Code for the Planning Commission, as well as a version with her comments and edits.

Ms. Perdu stated sign setbacks should be clarified, as sign setbacks are 10 feet but can be greater or lesser for public safety reasons. She added that can be edited with the clear vision triangle in mind. She noted Tables 10 and 11 have sign standards.

Ms. Perdu stated there is a section regarding the downtown overlay on page 30, with specific requirements for signs in the downtown area. She added some types of signs that are prohibited in the downtown area are prohibited everywhere, so she removed them from the requirements. She noted internally illuminated signs are prohibited, but she has noticed that they are everywhere, so that should be discussed.

Ms. Perdu stated “Exceptions to the Sign Ordinance” on Page 33 mentions window signage. She added window signs should be subject to the permit requirement like any other sign.

Commissioner Blees stated, with regard to “lit signs”, there should be definitions for LED and not just neon.

Ms. Perdu asked whether LED and neon should be prohibited. Commissioner Blees stated LED is getting to be more commonly used. He added LED should be considered for inclusion in the Ordinance if neon is allowed. Ms. Perdu agreed.

Ms. Perdu stated directional signs are exempt. She asked whether off-premises directional signs should be allowed.

Chair Barton stated the way the existing Ordinance is formatted does not make sense to her. She added every district is not addressed, but there is a section on the downtown district which is not necessary. She noted standards are not significantly different because they are based on lot size. She noted the type of signs allowed in residential districts is not clear, and there are too many types of signs, and too many exceptions.

Chair Barton stated exempting certain entities but not others can lead to free speech issues. She added signs should not be identified by type or message, other than an exception for election years. She noted the same regulations should be applicable to all districts. She noted it is not clear if window signs are allowed in the R-1 district.

Commissioner Gelbmann stated larger signs could be restricted to the Mixed-Use districts and prohibited in residential areas, for aesthetic reasons.

Commissioner Blees stated, as suggested by Chair Barton, general provisions should be added that are not specific to particular zoning areas, followed by specific exemptions. Chair Barton agreed, adding the format is important so people can follow along. She reiterated there should be as few exemptions as possible.

Commissioner Blees stated he supports illumination provisions under “General Requirements”. Ms. Perdu agreed, adding any requirement that applies to all signs should be in that section.

Commissioner Monge joined the meeting at 6:55 p.m.

City Council Liaison Sonnek agreed that good formatting is important. He added there may be an opportunity to generalize some of the language as this is a long Ordinance. He noted, in his opinion, the main reason for having a Sign Ordinance is for business signage, and political signs are fairly minor in comparison.

Chair Barton stressed the importance of being careful about signs in residential areas. City Council Liaison Sonnek agreed and stressed the importance of generalizing the language in the Ordinance.

Chair Barton stated the format of the Ordinance makes it difficult to understand. She added the sign type is what should be regulated, and not what goes on the sign if traffic safety and aesthetics are the main considerations.

Chair Barton asked whether murals are exempt, along with sculptures, fountains, mosaics, and other works of art. City Council Liaison Sonnek stated he hopes there will be more murals in the City. He added Love Ice Cream is hoping to do a mural on the side of their building.

Chair Barton stated businesses that want to add a mural or other form of artwork could be exempt from the permit process, but they would still need to meet construction standards and safety requirements. She added this includes setback requirements.

Chair Barton stated there are free-standing banners or flags at Polar Plaza, that blow around, which is prohibited. She added the same type of banner has been at the corner of 5th Street and South Avenue for a long time, and they are so faded they are not readable.

Commissioner Worm stated this is an opportunity to start from scratch with a new Ordinance. Ms. Perdu agreed.

Chair Barton stated the Sign Ordinance was originally reviewed by the Design Review Commission, but the Planning Commission did not review it. She added many cities have reviewed their Sign Ordinances due to Supreme Court rulings regarding freedom of speech. She noted many Sign Ordinances were thrown out because they were too specific with regard to the speaker or the message.

Commissioner Gelbmann stated the table contains too many variables. He added it would be helpful if the table could be generalized to make it less conditional. Chair Barton agreed, adding the table should specify types of signs and whether they are permitted, as well as related requirements, but the overall number of sign types should be minimized.

Commissioner Worm asked City Council Liaison Sonnek whether the City of North St. Paul has had a problem with signs. City Council Liaison Sonnek stated there has not been a problem that he is aware of, but City Manager Scott Duddeck may have additional information.

Chair Barton stated there are times when there could be complaints, like during elections. She added it is best to get the Ordinance up to speed. She noted another consideration is that home occupations are allowed in every District, so there could be yard signs even in the R-1 District.

Ms. Perdu stated the current Ordinance prohibits internal illumination signs, which she does not believe is an intended restriction. She added there are some repetitions in the temporary sign section and computations which should be updated. She noted the illumination section should be updated to include more recent technology, as there is a reference to wattage.

Commissioner Gelbmann Stated LED lights are more energy efficient and cost effective, but lumens are easier for general enforcement.

Chair Barton stated standards should be added for changeable electronic signs.

Ms. Perdu agreed to provide additional information on best practices for the Planning Commission's review at an upcoming meeting.

Chair Barton stated the permit process should be addressed, as there is no time limit or language related to an appeals process.

Ms. Perdu stated some Sign Ordinances have specific standards for variances. She added standard variance criteria do not always fit with sign requests.

Commissioner Worm stated the setback limitation of 10 feet is a requirement that is not met in downtown North St. Paul. Ms. Perdu stated free standing or monument signs are prohibited in the downtown area. Chair Barton stated Commissioner Worm makes an important point about 10-foot setback requirements in the downtown area.

Commissioner Gelbmann requested additional information on murals and how they are handled, as the Sign Ordinance does not mention murals. Ms. Perdu agreed.

Commissioner Monge apologized for being late to join the meeting due to a work conflict.

IX. REPORTS FROM STAFF

A. Recognition of Service for Commissioner Stahlmann and Councilmember Sonnek

Ms. Boerschinger stated a certificate of appreciation was mailed to Commissioner Mike Stahlmann in appreciation for his 14 years on the Planning Commission. She expressed appreciation to City Council Liaison Sonnek for his service to the Planning Commission.

Chair Barton stated City Council Liaison Sonnek has been an outstanding liaison. She added his input will be missed.

City Council Liaison Sonnek stated this has been a great learning experience for him, and he thoroughly enjoyed his time working with the Planning Commission.

Commissioner Gelbmann stated he appreciated City Council Liaison Sonnek's championing of the Comprehensive Plan, and all his hard work and efforts.

X. REPORTS FROM COMMISSIONERS

Commissioner Worm stated the Planning Commission had discussed tree removal at the 7th and 6th Street development. He added the developer was asked to save as many trees as possible. He noted many trees have been removed.

Ms. Perdu stated City Staff and a representative of WSB met with the developer to ensure that tree removal requirements were met, based on what was already approved. She added the developer will be required to replace trees if more trees were removed than what was approved.

City Council Liaison Sonnek to Ms. Perdu asked whether the developer could remove trees in the City right of way. Ms. Perdu stated the City does not usually require permission to remove trees from the right of way. She added she can confirm this with City Engineer Morgan Dawley. She agreed to follow up on the 7th street development tree removal.

Commissioner Worm stated the local toy shelf provided toys for many local children. He added the organizer thanked the City for its support for the program.

Chair Barton wished everyone a Merry Christmas. She added the Planning Commission's next meeting is scheduled for January 7, 2021.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Gelbmann, with all present voting aye (5-0). Motion carried to adjourn the meeting at 7:27 p.m.

Members, please notify any planned absences to:

Olivia Boerschinger
Planning Commission Secretary
651-747-2400
Olivia.boerschinger@northstpaul.org

Item VIII.A.

2020-2021 Zoning Code Update discussion

**Agenda Information Memorandum
North St. Paul Planning Commission
February 4, 2021**

VIII. REPORTS FROM STAFF

A. 2020-2021 Zoning Updates Discussion

ACTION TO BE CONSIDERED

Provide feedback that will be used to draft Zoning Ordinance amendments.

FACTS

This memo and its attachments provide background information and recommendations on the following:

- Schedule of Past Zoning Ordinance Review Topics
- February 6, 2020 Zoning Ordinance Amendment Topic Recommendations
- Re-zonings to Comply with Comprehensive Plan
- R-2, MU-1, MU-2, and MU-3 Bulk Standards
- Uses
- Variance Standards
- Definitions
- Accessory Dwelling Unit (ADU), Cottage, Townhouse, and Two-Family Residential Standards
- Planned Unit Development (PUD) Standards
- Parking Ordinance
- Sign Ordinance

Zoning Ordinance Amendment Process

The City adopted the 2040 Comprehensive Plan in December 2019. The Zoning Ordinance is required to be amended to comply with the adopted Comprehensive Plan and implement its goals and policies. Beginning in April 2020, the Planning Commission began preparing the required amendments. The goal of tonight's meeting is to review the amendments that have been conducted to date. No formal action is expected from the Planning Commission tonight.

Attached is an initial version of marked-up ordinances that have been previously discussed with the Planning Commission. Please review, add your own, and we will discuss at the meeting.

The Planning Commission should consider if there are any other section of the Zoning Ordinance that needs to be updated. If there are no other subjects, then the intent would be to conduct a final review at the March regular Planning Commission meeting and to schedule for a public hearing at the April regular meeting.

Schedule of Past Zoning Ordinance Reviews

2020 Zoning Ordinance Reviews

12/3/2020	Parking Ordinance
	Sign Ordinance
11/5/2020	Parking Ordinance
10/1/2020	Parking Ordinance
9/3/2020	Parking Ordinance
	Townhouses, Two-Family, and ADUs
	PUDs
8/6/2020	Cottages, Townhouses, Two-Family, and ADUs
	PUDs
7/2/2020	Cottages, Townhouses, and Two-Family
	Uses and Definitions
5/22/2020	Cottages, Townhouses, and Two-Family
	Uses and Definitions
5/7/2020	R-2, MU-1, MU-2, and MU-3 Densities
	Variances
	Lot Sizes and Widths
	Uses
4/2/2020	R-2, MU-1, MU-2, and MU-3 Densities
	Potential Zoning Map Amendments
2/6/2020	Overview of the Zoning Ordinance Update Topics

Zoning Ordinance Amendment Topics

Zoning Ordinance Updates 2020

Modifications needed to existing districts (required):

- Table 4.
 - Residential Districts Design Requirements: R-1 Density: 3 – 5.5 units per acre, does not account for instance where Special Infill Housing CUP is requested. Density could be as high as 6.11 units per acre if the full 10% reduction in lot area is granted.
 - Change to the R-2 district: change to allow up to 12 dwelling units per acre or a minimum lot size per unit of 3,630 sf. (currently 5,967 sf.)
 - Include minimum density requirements per comp plan Ch. 4 page 12
- Table 7:
 - Add residential density maximums and minimums for each district per the comp plan Ch. 4 page 12
 - Include a 30% residential requirement in the MU-3 district (district-wide)
- Generally, inventory non-conformities and change zoning districts to account for them
 - Lot size, width
- Tables 3 and 6:
 - Review permitted and conditional uses for uses that are out of date
 - Add new uses that provide appropriate opportunities for desired type and diversity of development

Map Changes:

- Add multi-family residential areas along 7th Avenue and along the south side of the downtown
- Add medium density residential areas between the downtown and single family neighborhoods
- Change parcels along Century Avenue to medium density residential that are larger in size to allow duplex or quad-plex units
- Change housing redevelopment areas within single family neighborhoods to medium density residential.
- Map of changes needed attached

Housing Policy-Based Changes:

- Definition of family: not sensitive to multi-generational households or cultural differences
- Include density bonuses or other incentives for things like smaller unit sizes, single-story options? Affordable units?
- Consider allowances for tiny houses and other alternatives like co-ops in some way *other* than a PUD (or specifically in a PUD)
- Allow reduced setbacks, lot coverage, flexibility in rehabilitating/updating existing homes on small lots

Townhouses:

- Outdated definition
- Open space requirement – 500 sf. per unit...is that adequate? Up to date?

- 154.010 (D) (45):
 - (a) does this imply a garage is required?
 - (f) public road access requirement contradicts (a)
- 154.010 (E)(4)(b)
 - Restricts townhouse units to 5 in a row in any one building
 - Is diversity requirement too restrictive?
- Table 6: why are they not allowed in MU-1 and MU-2?

Parking

- 154.010 (J) Off street parking & loading (10)(h) Yards. Off-street parking and loading facilities shall be subject to the front yard, side yard, and rear yard regulations for the use district in which the parking is located, except in the MU-1, MU-2, and MU-3 Districts, yard setbacks may be reduced if a substantial landscape setback is provided having a width meeting at least the minimum specified. **This is vague/unclear**
- Table 8: Confusing layout, hard to interpret in online version
- Amendments dealing with residential v. commercial vehicles (continuation of home occupation discussion)

PUD Standards:

- Add clarity on the purpose of the PUD, and what constitutes a “public benefit”. Potentially use some of the existing language on when density bonuses could be granted:

(d) Density. Increased density shall be permitted to encourage the preservation of natural topography and geological features. The city may, but shall not be required to, provide concessions in setbacks, density, or lot size to protect waterways or water bodies, steep slopes or other areas which would normally not be developable. The city will consider allowing an increase in the allowable density upon proof by the applicant that some of the following features are being provided as part of the proposed development:

i. Preservation of natural site features, wetlands, lowlands, wooded areas, and the like, protected by the Minnesota Department of Natural Resources, by the city and/or Ramsey County ordinances.

ii. Creation of conservation easements due to steep slopes, wooded areas and/or environmentally sensitive areas, as identified in the Comprehensive Plan.

iii. Creation of park/public areas for active and passive park uses beyond required standards or other public purposes such as schools, public buildings, greenways, and the like which meet the intent of the Park and Recreation goals of the Comprehensive Plan and are consistent with the public dedication requirements for the proposed development.

iv. Installation of public improvements designed to serve areas beyond the project boundary.

v. The city may consider increased density for housing projects which provide affordable housing options, consistent with the Comprehensive Plan.

- Resolve vague, conflicting language regarding minimum lot size:

(e) Minimum lot size. The minimum lot size requirements of other sections of this chapter do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as a guideline to determine the maximum dwelling unit density of a total development. The maximum dwelling unit density shall be determined by the area remaining after appropriate space for street right-of-ways and any other public dedications have been determined and subtracted from the total PUD area. If the property involved in the PUD includes land in more than one zoning district, the number of dwelling units or the square footage of commercial, residential or industrial uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.

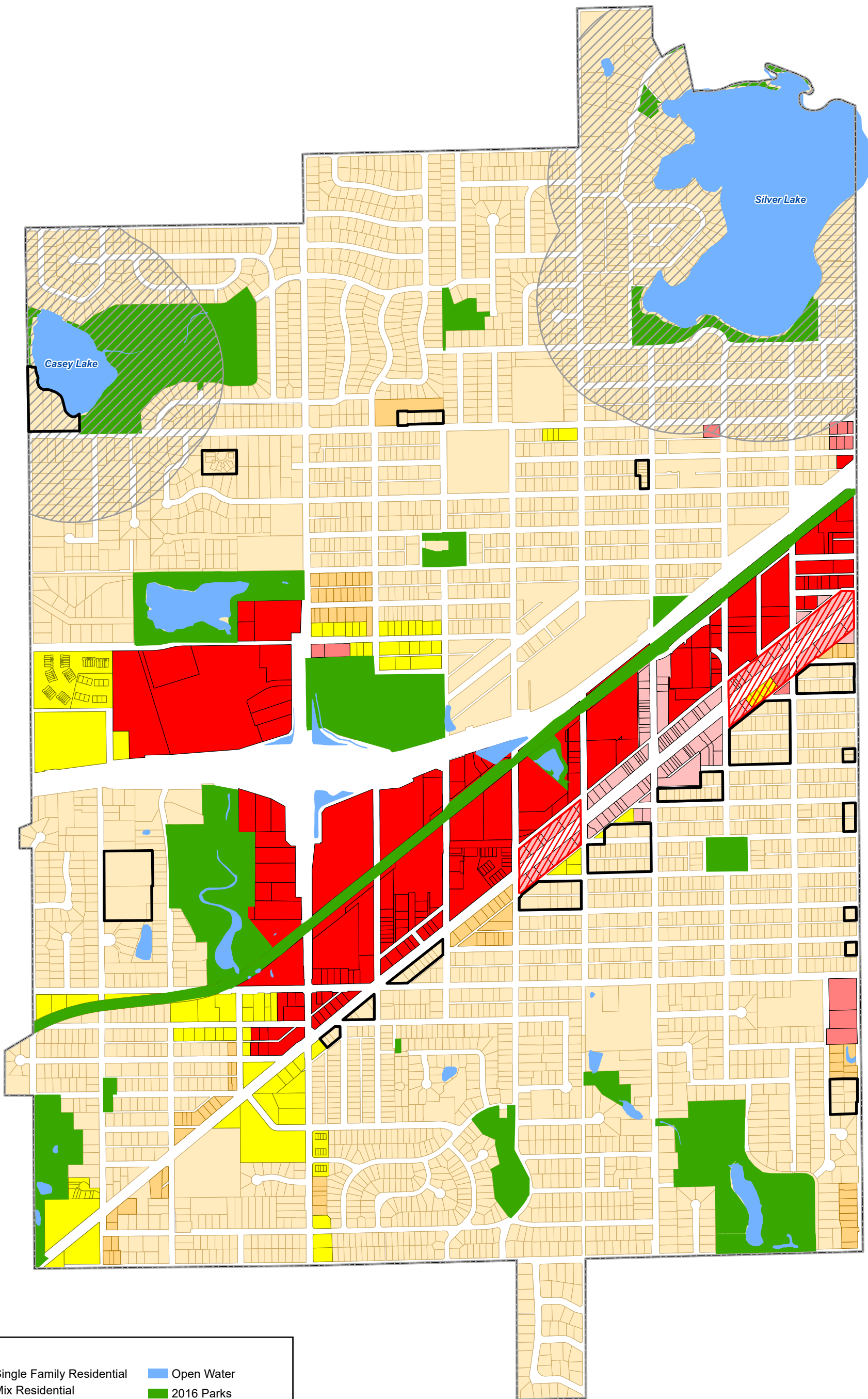
Miscellaneous

Definition for SOLAR ENERGY EASEMENT. See 'Renewable Energy Easement'. Renewable energy easement does not exist

CUP Approval standards inconsistently numbered – numerals instead of letters.

Usable open space: better define what we want to see

Map of Proposed Zoning Changes



Zoning

- | | |
|---------------------------------|--------------------|
| R1- Single Family Residential | Open Water |
| R2- Mix Residential | 2016 Parks |
| R3- Multiple Family Residential | Shoreland Overlay |
| MU1- Downtown Mix Use | DtDistrict_Overlay |
| MU2- Transitional Mix Use | Zoning_Change |
| MU3- Corridor Mix Use | |



NORTH ST. PAUL
extraordinary.

**North St. Paul Comprehensive Plan
Zoning Changes
North St. Paul, MN**



0 850
Feet

wsb

R-2, MU-1, MU-2, and MU-3 Lot Size Revisions

TABLE 4: RESIDENTIAL DISTRICT LOT REQUIREMENTS

District	Minimum Lot Area	Minimum Lot Width	Setbacks		
			Front Yard	Rear Yard	Side Yard
R-1 Single Family Residential District	7,920 sq. ft. per dwelling unit Institutions: 10,000 sq. ft. Manufactured Houses (Home Parks): 5,000 sq. ft. per dwelling unit	60 ft.	25 ft.	25 ft.	Internal Lot: 6 ft. Corner Lot: 15 ft. Senior Housing: Internal Lot: 15 ft. Corner Lot: 15 ft.
R-2 Mixed Residential District	3,630 3,630 sq. ft. per dwelling unit Institutions: 10,000 sq. ft. Manufactured Houses (Home Parks): 5,000 3,630 sq. ft. per dwelling unit				
R-3 Multiple Family Residential District	1,980 sq. ft. per dwelling unit Required total lot area shall not be less than the minimum lot area per dwelling unit multiplied by the number of units. Senior Housing: 1,800 sq. ft. per dwelling unit Institutions: 10,000 sq. ft. Manufactured Houses (Home Parks): 5,000 sq. ft. per dwelling unit	80 ft.			Internal Lot: 15 ft. Corner Lot: 15 ft.

TABLE 7: MIXED USE DISTRICT LOT REQUIREMENTS

District	Minimum Lot Size	Lot Width	Minimum Lot Area Per Dwelling Unit	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Height
MU-1 Downtown Mixed-Use District	0 sq. ft.	20 ft.	1,980 sf.	0 ft.	0 ft. When abutting a Residential District 20 ft.	0 ft.	Three (3) stories or 35 ft. New mixed use buildings with residential units above nonresidential, office or service uses may be up to four (4) stories or 50 ft.
MU-2 Transitional Mixed-Use District	15,000 sq. ft.	65 ft.	1,980 sf.	30 ft.	Interior Lot: 15 ft. Corner Lot: 30 ft.	30 ft.	Three (3) stories or 35 ft.
MU-3 Corridor Mixed-Use District	35,000 sq. ft.	120 ft.	1,089 sf.	25 ft.	0 ft.	0 ft.	Five (5) stories or 55 ft.

Table of Uses

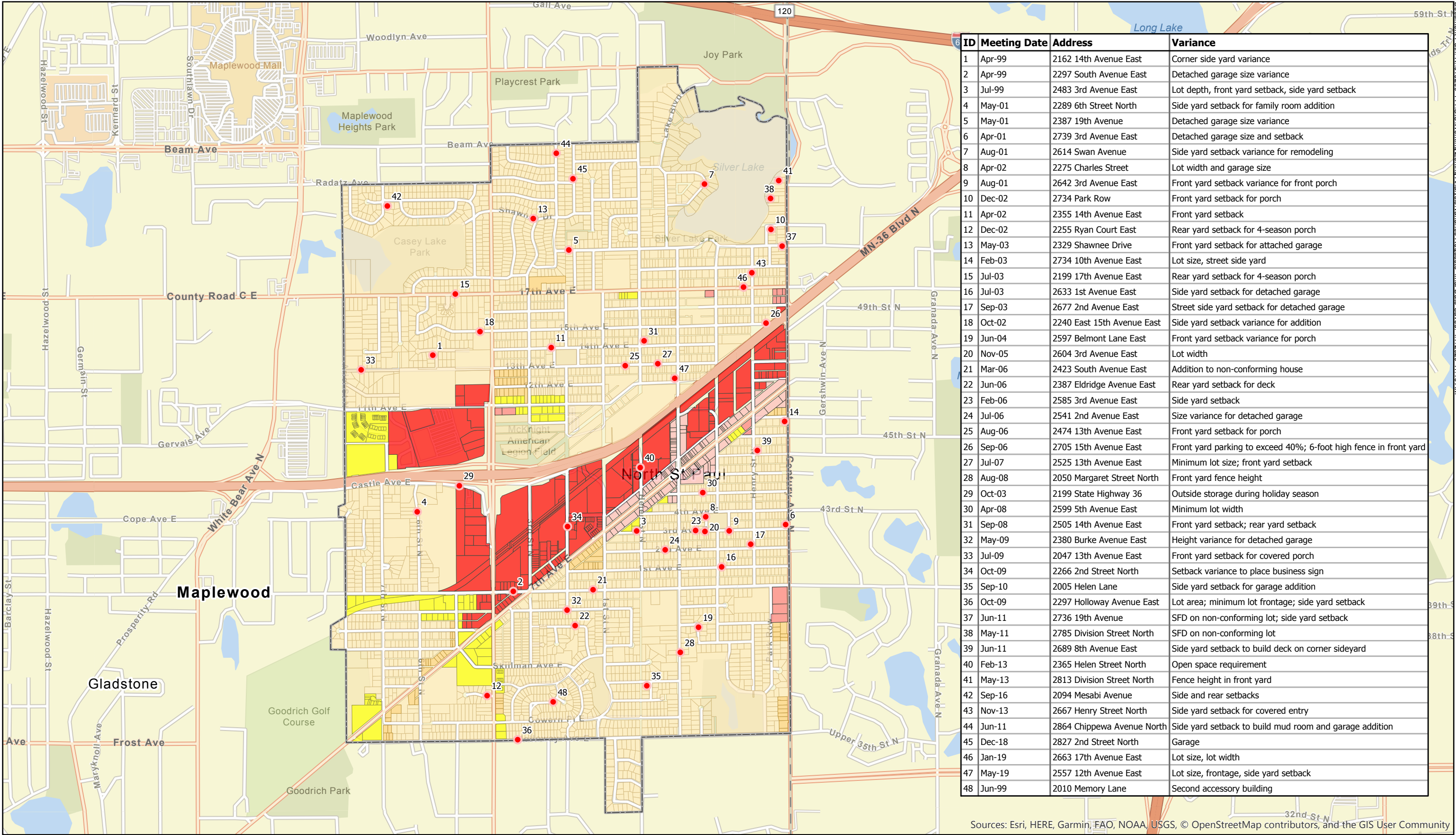
changes in **bold**

P: Permitted C: Conditional Use I: Interim Use X: See Section 154.010 (D) for requirements	R-1	R-2	R-3	MU-1	MU-2	MU-3	Supplemental Regulations
RESIDENTIAL							
Household Living							
Single Family Dwelling	P	P	P				
Two Family Dwelling	P	P	P				
Multiple Family Dwelling			P			P	X
Townhouse Dwelling		P	P	P	P	P	X
Live/Work Unit				C	C	C	
Manufactured Housing (Home Parks)	C	C	C				
Modular Building	P	P	P				
Special Infill Housing	C	C	C				X
Group Living							
Lodging House			P		C	C	
Assisted Living and/or Memory Care Facility			C			C	X
Residential Unit over Nonresidential Use				P	P	P	
Senior Housing			C	C		C	X
Senior Housing with Services			C	C		C	X
State Licensed Residential Facility (serving six or fewer persons)	P	P	P	C	C	C	X
State Licensed Residential Facility (serving from 7- 16 persons)			P	C	C	C	
P: Permitted C: Conditional Use I: Interim Use X: See Section 154.010 (D) for requirements	R-1	R-2	R-3	MU-1	MU-2	MU-3	Supplemental Regulations
CIVIC & INSTITUTIONAL							
Cemetery	C	C	C				
Day Care Facility and Day Nursery	C	C	C	C	C	C	X
Institutions	C	C	C	C	C	C	X
Municipal Administrative Building, Fire Station or other Public Safety or Service Facilities	P	P	P	P		P	X
School, Elementary or Secondary	C	C	C	P	P	P	X
Public Park or Playground and Open Space	P	P	P	P	P	P	
Community Garden	I	I	I				
MEDICAL							
Clinic				P	P	P	
Hospital						P	X
Animal or Veterinary Hospital or Clinic						P	
Medical Cannabis Facility						C	
UTILITY							
Essential Service Structure, including but not limited to buildings such as Telephone Exchange Substations, Booster or Pressure Regulating Stations, Wells and Pumping Stations and Elevated Tanks	C	C	C	P	P	P	X

P: Permitted C: Conditional Use I: Interim Use X: See Section 154.010 (D) for requirements	R-1	R-2	R-3	MU-1	MU-2	MU-3	Supplemental Regulations
COMMERCIAL							
Lodging							
Bed and Breakfast Establishment					P	P	X
Hotel					C	P	
Short-term rental							
Indoor Entertainment, Recreation, Food, and Beverage							
Adult Uses						C	X
Brewery, Micro-Brewery, Micro-Distillery, Micro-Winery, or Tap Room				P	P	P	
Catering				P	P	P	
Club or Lodge				P	C	C	X
Coffee Shop or Tea House				P	P	P	
Cultural Center				P	P	P	
Indoor Recreation				P	P	P	X
Restaurant				P	P	P	
Service or Workplace							
Animal Boarding Facility						C	X
Animal Grooming				P	P	P	X
Artisan Studio / Makerspace				P	P	P	
Bank, Financial Institutions				P	P	P	X
Business Sales or Services				P	P	P	
Personal Services				P	P	P	
Educational Services				P	P	P	
Contractor's Business with Showroom or Workshop						P	
Drive-In or Self-Service Business				C	P	P	X
Lab, Research				P	P	P	
Funeral Home			P	C	C	C	
Office				P	P	P	X
P: Permitted C: Conditional Use I: Interim Use X: See Section 154.010 (D) for requirements	R-1	R-2	R-3	MU-1	MU-2	MU-3	Supplemental Regulations
Retail							
Farmer's Market				P	P	P	
Garden Material Sales				C	C	P	X
Grocery				P	P	P	
Liquor Store				P	P	P	
Retail Sales				P	P	P	X
Outdoor Recreation							
Outdoor Recreation	C	C	C				X
Golf Course	C	C	C				X
Automobile, Parking, Transportation							
Automobile Service or Repair						C	X
Car Wash						C	X
Automobile Sales and Rental						C	X
Automobile Service Station/Convenience Store				C	C	C	X
Parking Facility				P	P	P	

P: Permitted C: Conditional Use I: Interim Use X: See Section 154.010 (D) for requirements	R-1	R-2	R-3	MU-1	MU-2	MU-3	Supplemental Regulations
LIMITED PRODUCTION, PROCESSING, STORAGE							
Limited Production and Processing				P	P	P	X
Self-Service Storage Facility						C	
Warehousing						P	X
Wholesale Establishment				P	P	P	
OTHER USES							
Uses determined by the Community Development Department to be of similar scale, impact and character.				P	P	P	
Planned Unit Development	P	P	P	P	P	P	
P: Permitted C: Conditional Use I: Interim Use X: See Section 154.010 (D) for requirements	R-1	R-2	R-3	MU-1	MU-2	MU-3	Supplemental Regulations
ACCESSORY USES & STRUCTURES							
Accessory Buildings and Structures	P	P	P			P	X
Accessory Dwelling Unit	C	C	C				X
Dependency Living Arrangement	P	P	P				
Portable Storage Units	P	P	P				X
Temporary Buildings for storage of construction materials and equipment	P	P	P				X
Geothermal Energy Systems	P	P	P	P	P	P	
Solar Energy Systems	P	P	P	P	P	P	X
Wind Energy Systems	C	C	C	P	P	P	X
Wind Energy Systems (excess height)				C	C	C	X
Temporary Outdoor Events	P	P	P	P	P	P	X
Temporary Outdoor Events (greater than 45 days)				C	C	C	X
Composting	P	P	P				
Yard Sales	P	P	P				X
Day Care Facility (serving 12 or fewer persons)	P	P	P	P	P	P	
Day Care Facility (serving from 13 through 16 persons)	P	P	P	P	P	P	
Group Family Day Care serving 14 or fewer children	P	P	P	P	P	P	
Home Occupation	P/I	P/I	P/I	P	P	P	X
Rain Garden	P	P	P	P	P	P	X
Surface Parking	P	P	P				
Outdoor Storage				C	C	C	X
Bulk Storage (liquid)						P	X
Communication Structures	P	P	P	P	P	P	X
Outdoor Seating				P	P	P	X
Outdoor Display				P	P	P	X
Sport Court	P	P	P			P	
Residential Swimming Pools and Hot Tubs	P	P	P			P	X

Map of Recent Variances



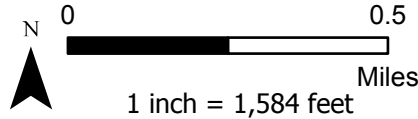
ID	Meeting Date	Address	Variance
1	Apr-99	2162 14th Avenue East	Corner side yard variance
2	Apr-99	2297 South Avenue East	Detached garage size variance
3	Jul-99	2483 3rd Avenue East	Lot depth, front yard setback, side yard setback
4	May-01	2289 6th Street North	Side yard setback for family room addition
5	May-01	2387 19th Avenue	Detached garage size variance
6	Apr-01	2739 3rd Avenue East	Detached garage size and setback
7	Aug-01	2614 Swan Avenue	Side yard setback variance for remodeling
8	Apr-02	2275 Charles Street	Lot width and garage size
9	Aug-01	2642 3rd Avenue East	Front yard setback variance for front porch
10	Dec-02	2734 Park Row	Front yard setback for porch
11	Apr-02	2355 14th Avenue East	Front yard setback
12	Dec-02	2255 Ryan Court East	Rear yard setback for 4-season porch
13	May-03	2329 Shawnee Drive	Front yard setback for attached garage
14	Feb-03	2734 10th Avenue East	Lot size, street side yard
15	Jul-03	2199 17th Avenue East	Rear yard setback for 4-season porch
16	Jul-03	2633 1st Avenue East	Side yard setback for detached garage
17	Sep-03	2677 2nd Avenue East	Street side yard setback for detached garage
18	Oct-02	2240 East 15th Avenue East	Side yard setback variance for addition
19	Jun-04	2597 Belmont Lane East	Front yard setback variance for porch
20	Nov-05	2604 3rd Avenue East	Lot width
21	Mar-06	2423 South Avenue East	Addition to non-conforming house
22	Jun-06	2387 Eldridge Avenue East	Rear yard setback for deck
23	Feb-06	2585 3rd Avenue East	Side yard setback
24	Jul-06	2541 2nd Avenue East	Size variance for detached garage
25	Aug-06	2474 13th Avenue East	Front yard setback for porch
26	Sep-06	2705 15th Avenue East	Front yard parking to exceed 40%; 6-foot high fence in front yard
27	Jul-07	2525 13th Avenue East	Minimum lot size; front yard setback
28	Aug-08	2050 Margaret Street North	Front yard fence height
29	Oct-03	2199 State Highway 36	Outside storage during holiday season
30	Apr-08	2599 5th Avenue East	Minimum lot width
31	Sep-08	2505 14th Avenue East	Front yard setback; rear yard setback
32	May-09	2380 Burke Avenue East	Height variance for detached garage
33	Jul-09	2047 13th Avenue East	Front yard setback for covered porch
34	Oct-09	2266 2nd Street North	Setback variance to place business sign
35	Sep-10	2005 Helen Lane	Side yard setback for garage addition
36	Oct-09	2297 Holloway Avenue East	Lot area; minimum lot frontage; side yard setback
37	Jun-11	2736 19th Avenue	SFD on non-conforming lot; side yard setback
38	May-11	2785 Division Street North	SFD on non-conforming lot
39	Jun-11	2689 8th Avenue East	Side yard setback to build deck on corner sideyard
40	Feb-13	2365 Helen Street North	Open space requirement
41	May-13	2813 Division Street North	Fence height in front yard
42	Sep-16	2094 Mesabi Avenue	Side and rear setbacks
43	Nov-13	2667 Henry Street North	Side yard setback for covered entry
44	Jun-11	2864 Chippewa Avenue North	Side yard setback to build mud room and garage addition
45	Dec-18	2827 2nd Street North	Garage
46	Jan-19	2663 17th Avenue East	Lot size, lot width
47	May-19	2557 12th Avenue East	Lot size, frontage, side yard setback
48	Jun-99	2010 Memory Lane	Second accessory building

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Existing Variances
City of North St. Paul

- Variance Records
- R1- Single Family Residential
- R2- Mix Residential
- R3- Multiple Family Residential
- MU1- Downtown Mix Use
- MU2- Transitional Mix Use
- MU3- Corridor Mix Use



Definitions

§ 154.003 DEFINITIONS.

The following terms, as used in this chapter, shall have the meanings stated. All measured distances expressed in feet shall be to the nearest tenth of a foot. In the event of conflicting provisions in this chapter, the more restrictive shall apply. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUT/ABUTTING. Contiguous; having a common boundary, wall, or property line.

ACCESS. The place, means or way by which pedestrians or vehicles have ingress or egress to a property or parking area.

ACCESSORY, STRUCTURE. See 'Building or Structure, Accessory'.

ACCESSORY USE. See 'Use, Accessory'.

ADAPTIVE REUSE. Rehabilitation or renovation of existing building(s) or structures for any use(s) other than the present use(s).

ADDITION. A part added to a building either by constructing so as to form one architectural whole, or by joining, as by a passage, so that each is a necessary adjunct of the other or so that they constitute the same building.

ADULT DAY CARE. A program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care.

ADULT USES. Any of the activities and businesses described below constitute ADULT USES which are subject to the regulations of this chapter.

(1) ADULT BOOK AND MEDIA STORE. An establishment having a substantial portion of its stock in trade or stock on display (15% or more) consisting of books, magazines, films, videotape or other media of which are characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(2) ADULT THEATER. An enclosed building with a capacity for seating 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(3) ADULT MINI THEATER.

(a) An enclosed building with a capacity for seating less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(b) Any business or building which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for viewing on the premises, including but not limited to private booths, peep booths, viewing by means of coin operated or other mechanical devices and the viewing of excerpts of motion pictures offered for sale or rent.

(4) ADULT STORES. An enclosed building where more than 30% of the floor area devoted to display and sales of merchandise consist of materials, paraphernalia and games which are intended to be used in conjunction with or that describe "specified sexual activities" or "specified anatomical areas."

(a) SPECIFIED SEXUAL ACTIVITIES means any of the following:

1. Human genitals in the state of sexual stimulation or arousal;
2. Acts or explicit representations of acts or actual or simulated human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation;
3. Fondling or erotic touching of human genitals, pubic region, buttock or female breast;
4. Excretory functions as part of or in connection with any activities set forth above.

(b) SPECIFIED ANATOMICAL AREAS are any of the following:

1. Human genitals, pubic region or pubic hair; buttock and female breast below a point immediately above the top of the areola, which are less than completely and opaquely covered; and
2. Human male genitals in a discernible turgid state, even if opaquely covered.

(5) NUDE MODEL STUDIO. Any place where a person who appears in a state of nudity or displays "specified anatomical area" is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

(6) SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(7) ADULT ARCADE. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

(8) ADULT CABARET. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (a) Persons who appear seminude or in a state of nudity; or
- (b) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (c) Films, motion pictures, videocassettes, slides, compact disks, computer software, digital recordings or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(9) ADULT CONVERSATION/RAP PARLOR. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is

distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(10) **ADULT MASSAGE PARLOR.** A massage parlor which excludes minors by reason of age, or which provides, for any form of consideration, the rubbing, stroking, kneading, tapping, or rolling of the body, if the service provided by the massage parlor is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(11) **ADULT MOTEL.** A hotel, motel, or similar commercial establishment in which at least one of the following occurs:

(a) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(b) Offers a sleeping room for rent for a period of time that is less than ten hours or an hourly basis; or

(c) Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours or an hourly basis.

(12) **ADULT SAUNA.** A sauna which excludes minors by reason of age, or which provides, for any form of consideration, a steam bath or heated bathing room used for the purpose of bathing, relaxing, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(13) **ESCORT AGENCY.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

AFFORDABLE HOUSING. Housing for which the occupant(s) is/are paying no more than 30% of his or her income for gross housing costs, including utilities.

ALLEY. See 'Street-Alley'.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

ALTERNATIVE ENERGY SYSTEMS.

ACCESSORY. A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on- site consumption.

ALTERNATIVE ENERGY SYSTEM. A source of energy such as geothermal, wind or solar alternative to more traditionally fossil fuels or combustible energy producers.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building, including but not

limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

CLOSED LOOP GROUND SOURCE GEOTHERMAL SYSTEM. A system that circulates a heat transfer fluid, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water whereby the temperature of the surrounding earth or water is transferred to the structure at the ground surface.

GEOTHERMAL SYSTEM. A system that uses the relatively constant temperature of the stored energy of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system. Also called a ground source heat pump system.

HEAT TRANSFER FLUID. A non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed 20% by weight or aqueous solutions of potassium acetate not to exceed 20% by weight.

HORIZONTAL AXIS WIND TURBINE. A wind turbine design in which the rotor shaft is parallel to the ground and the blades are perpendicular to the ground.

HORIZONTAL GEOTHERMAL SYSTEM. A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches no more than 20 feet below the land surface.

HUB. The center of a wind generator rotor, which holds the blades in place and attaches to the shaft.

HUB HEIGHT. The distance measured from natural grade to the center of the turbine hub.

HYDRONIC HEATING SYSTEM. A combustible energy system (not an alternative energy under this section) which uses water to move heat from where it is produced, typically via a wood fired furnace located exterior to the building being heated. Heat is distributed via water piped in an enclosed pipe system to and released into a space by a heat emitter. Also called an outdoor wood boiler.

MONOPOLE TOWER. A tower constructed of tapered tubes that fit together symmetrically and are stacked one section on top of another and bolted to a concrete foundation without support cables.

OPEN LOOP GEOTHERMAL SYSTEM. A system that uses ground water as a heat transfer fluid by drawing ground water from a well whereby the temperature of the surrounding earth or water is transferred to a heat pump and then discharging the water over land, directly into a water body or into an injection well.

PASSIVE SOLAR ENERGY SYSTEM. A system that captures solar light or heat for use without transforming it first to another form of energy or transferring that energy via a heat exchanger.

PHOTOVOLTAIC SYSTEM. A solar energy system that converts solar energy directly into electricity.

SMALL WIND TURBINE. A wind turbine of 100 kW generating capacity or less.

SOLAR ENERGY SYSTEM. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

TOTAL HEIGHT, WIND TURBINE. The highest point above natural grade reached by a rotor tip or any other part of a wind turbine.

TOWER. A vertical structure that supports an alternative energy system.

UTILITY WIND TURBINE. A wind turbine of more than 100 kW nameplate generating capacity.

VERTICAL AXIS WIND TURBINE. A type of wind turbine where the main rotor shaft runs vertically.

VERTICAL GEOTHERMAL SYSTEM. A closed loop ground source heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.

WIND ENERGY SYSTEM. An electrical generating facility that consists of a wind turbine, feeder line(s), associated controls and may include a tower.

WIND TURBINE. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

ANIMAL BOARDING FACILITY. Any lot or premises on which dogs, cats, and/or other household pets are kept, boarded, or raised for sale or adoption. Also known as 'Animal Day Care', 'Animal Kennel', or 'Animal Shelter.'

ANIMAL GROOMING. An establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

ANIMAL OR VETERINARY HOSPITAL OR CLINIC. An establishment for the routine examination, medical, or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care.

APARTMENT HOUSE. Any building, or portion thereof, which is designated, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include buildings containing three or more flats or apartments.

APPLICANT. Any person who wishes to obtain a building permit, zoning, or subdivision approval, or a permit to allow land-distributing activities. APPLICANT also means that person's agents, employees, and other acting under this person's direction.

ARCADE. A continuous, covered passageway parallel and open to a street, private or public open space, or building, and typically accessible and open to the public.

ARCADE. A continuous, covered passageway parallel and open to a street, private or public open space, or building, and typically accessible and open to the public.

ARTISAN STUDIO OR MAKERSPACE. An establishment where hand-tools, mechanical tools and electronic tools are shared or individually used for the manufacture of artisan finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods, food and bakery products; non-alcoholic beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

ASSESSED VALUE. The value of real property as established by the county assessor.

ASSISTED LIVING FACILITY AND/OR MEMORY CARE FACILITY. A facility registered with the Minnesota Department of Health (DOH) where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.

ATTIC. The unfinished space between the ceiling joists of the top story and the roof rafters.

AUTOMOBILE SALES OR RENTAL. Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail, rental, or wholesale sales.

~~AUTOMOBILE SERVICE STATION OR REPAIR. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries or minor automobile accessories. Services offered may include the installation of tires, batteries and minor accessories; minor automobile repairs; and greasing or washing of individual automobiles. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.~~

AWNING. An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached. (See FIGURE 1)

BALCONY. A platform area projecting from the exterior of a building, enclosed by a railing, accessible from above grade and not attached to the ground.

BASE FLOOD ELEVATION. The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

BASEMENT. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

BANK OR FINANCIAL INSTITUTION. A financial institution, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. Does not include payday loan business.

BED AND BREAKFAST ESTABLISHMENT. A commercial facility usually with a private residence therein, providing housing and feeding of transients.

BERM. A mound of earth with elevation generally above the surrounding area.

BLOCK. A tract of land bounded by streets, or by a combination of streets, shorelines, waterways or boundary lines of the corporate limits of the city.

BLOCK, FRONT. The distance between intersections along one side of a street. (see FIGURE 2)

BOARD OF APPEALS AND ADJUSTMENT. A board established by the city to hear and decide appeals regarding zoning and having powers set forth in M.S § 462.357 and M.S § 462.359. The Planning Commission shall serve as the Board of Appeals and Adjustment.

BOARDING HOUSE. A lodging house wherein meals are served to tenants.

BODY ART. The practice of physical body adornment using, but not limited to, tattooing and body piercing. BODY ART does not include practices and procedures that are performed by a

licensed medical or dental professional if the procedure is within the professional's scope of practice.

BODY ART ESTABLISHMENT. A place or premise, permanent in nature and location, where body art, whether or not for profit, is performed.

BREWERY, MICRO-BREWERY, MICRO-DISTILLERY, MICRO-WINERY, or TAP ROOM. A small scaled on or off-sale liquor business, located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or other alcoholic beverages.

BROWNFIELD. With certain legal exclusions and additions, the term "brownfield site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

BUFFER. The use of land, such as: topography (difference in elevation), space, fences or landscape plantings, to screen or partially screen a use of property from another use or property, and thus reduce undesirable effects such as: sight, light, noise, dust and other nuisances. (see FIGURE 3)

BUILD-TO-LINE. A line to which the front wall of a building is to be constructed. The build-to-line runs parallel to the front lot line and is established to create an even building façade line along a street. (see FIGURE 4)

BUILDABLE AREA. The space remaining on a parcel after the minimum setback, drainage provisions, ponding, compensatory storage, soils, open space and other site constraint requirements and building restriction lines of this chapter have been met.

BUILDING OR STRUCTURE. Any structure for the shelter, housing support or enclosure for persons, animals, or property of any kind which is permanently affixed to the ground. When a building is separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

BUILDING OR STRUCTURE, ACCESSORY. A structure detached from a principal structure, incidental and subordinate to the principal structure or use, including, but not limited to garages and storage sheds. (see FIGURE 5)

BUILDING OR STRUCTURE, CONFORMING. Designates a structure which satisfies all applicable requirements of this chapter as amended.

BUILDING OR STRUCTURE, DETACHED. A building that is not connected to another building.

BUILDING OR STRUCTURE, NON-CONFORMING. See 'Non-Conforming- Building or Structure'.

BUILDING OR STRUCTURE, PRINCIPAL. A building in which a principal use is located.

BUILDING CODE. Minnesota Rules, Chapter 1305, Minnesota Building Code.

BUILDING COVERAGE. The amount of land covered by building area, usually measured in terms of lot percentage.

BUILDING FAÇADE. Any side of a building facing a public way or space and finished accordingly.

BUILDING FACE. That portion of the exterior wall of a structure which shall lie in a vertical plane. One face shall be terminated by an exterior angle of at least 210 degrees formed by two

exterior walls, each being at least 18 feet in length or a curved portion of such exterior wall which shall have a central angle of 30 degrees or more.

BUILDING FRONTAGE. The facade of a building most nearly parallel to an abutting public right-of-way which affords principal access.

BUILDING HEIGHT. The vertical distance from the average grade of a building line to: the cornice of a flat roof, the deck of a mansard roof, the uppermost point on a round or other arch-type roof or the mean distance of the highest gable on a pitched or hip roof.

BUILDING LINE. The line established by law, beyond which a building shall not extend, except as specifically provided by law. (see FIGURE 6)

BUILDING LINE, SHORELAND. A line measured across the width of a lot where the main structure is placed in accordance with setback provisions from the ordinary high-water mark.

BUILDING OFFICIAL. The municipal building code administrative authority certified under M.S. § 16B.65, Subd. 2 and 3.

BUILDING PERMIT. A permit required from the responsible governmental agency before any site work, construction, or alteration to any structures can be started.

BUILDING PLAN. A dimensioned plan drawn to scale which includes the general use and layout of each floor of a building including projections such as canopies, stacks, chimneys, and exterior equipment, if any.

BUILDING SERVICE EQUIPMENT. Refers to the plumbing, mechanical, electrical, and elevator equipment, including piping, wiring, fixtures, and other accessories, that provides sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use and occupancy.

BUILT ENVIRONMENT. The sum of the parts of a community's physical surroundings formed and shaped by human activity, including: buildings, structures, landscaping, earth mounds, roads, signs, trails, and utilities.

BULK STORAGE (LIQUID). Bulk storage of flammable or combustible liquids or gases for use in industrial processes.

BUSINESS SALES OR SERVICES. ~~The activity of making, buying, or selling goods or providing services.~~ Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; copying and printing; travel; office supply; and similar services.

CALIPER. A tree trunk diameter measured four and one-half feet from the ground on trees more than 12 inches in diameter. On trees more than four inches and up to 12 inches in diameter, caliper is measured 12 inches from the ground. On trees four inches or less in diameter, caliper is measured six inches from the ground.

CANOPY. Any structure, movable or stationary, which is attached to, supported by and projected from the entrance of a building, designed and intended for protection from the elements or as a decorative embellishment. (see FIGURE 7)

CARPORT. An automobile shelter enclosed on not more than two sides. A carport is not a garage. (see FIGURE 8)

CAR WASH. An establishment where the principal use includes washing, drying, polishing, or vacuuming of an automobile or other motor vehicle done by service personnel, the driver, or by automated machinery.

CATERING. A facility in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

CELLAR. A portion of a building located partially or wholly underground and having less than three and one-half feet of its floor to ceiling height above grade. A CELLAR is not counted as a story for the purpose of height and setback regulations.

CEMETERY. Any non-publicly owned parcel of land designed, intended to be used, or used for the burial of deceased persons or animals. For purposes of this code, a burial lot and columbarium shall be included in the definition of cemetery.

CERTIFICATE OF OCCUPANCY. Official certification that a premises conforms to provisions of this title and other applicable ordinances and may be used or occupied. A CERTIFICATE OF OCCUPANCY is granted upon completion of new construction or completion of alterations or additions to existing structures.

CHANGE OF USE. Any alteration in the primary use of a lot for zoning purposes.

CHAPTER. When used without clarification means a chapter of the North St. Paul Zoning Code.

CHILD. A person who has not reached age 18.

CITY. The City of North St. Paul, Minnesota.

CITY COUNCIL. The City Council of North St. Paul, Minnesota.

~~CLINIC. A building designed and used for medical, osteopathic, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding. An establishment principally engaged in providing therapeutic, preventative, corrective, healing and health-building treatment services on an outpatient basis by physicians, dentists and other practitioners with no overnight boarding. Includes Doctor's Offices, Dental Clinics, medical laboratories, and physical and occupational, and massage therapy facility, Chiropractic care.~~

CLUB OR LODGE. An establishment in which a limited group of people are organized to pursue common social or fraternal goals, interests, or activities, and usually characterized by certain membership restrictions, payment of fees or dues, regular meetings and a constitution or bylaws.

COFFEE SHOP/TEA HOUSE. An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carry out, which may also include the sale of a limited number of food items.

COLUMBARIUM. A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

COMMON OPEN SPACE. An area of land, water or combination thereof planned for active or passive recreation which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit. COMMON OPEN SPACE does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

COMMUNICATION STRUCTURE. A structure that is intended to support equipment used to transmit or receive telecommunications signals. Examples of such towers include monopoles and lattice steel structures.

COMMUNITY GARDEN. Any parcel of land, utilizing either individual or shared lots on private or public land. The land may produce fruit, vegetables, and/or ornamentals.

COMPENSATOR STORAGE. Excavated volume of material below the floodplain elevation required to offset floodplain fill.

COMPOST FACILITY. A structure or premises designed, intended to be used, or used for the processing, creation, and open air storage of compost for subsequent sale or distribution. Compost means the mixture of decaying organic ingredients and conditioners for use as fertilizer. A location containing pre-packaged compost or open air compost for use exclusively on the same parcel shall not be considered a compost facility.

COMPREHENSIVE PLAN. A compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semipublic uses or any combination of such uses. A land use plan may also include the proposed densities for development.

CONDITIONAL USE. See 'Use, Conditional'.

CONTRACTOR'S BUSINESS WITH SHOWROOM OR WORKSHOP. An establishment providing general contracting, building/site maintenance, or building construction services. Outdoor storage of equipment and materials shall be consistent with the requirements of this Ordinance.

CONSTRUCTION ACTIVITY. Disturbance to the land resulting in a change in topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography resulting in accelerated storm water runoff, leading to soil erosion and movement of sediment into receiving waters or the city municipal separate storm sewer system. Construction activity includes a land disturbance activity greater than or equal to 10,000 square feet.

CONTROL MEASURE. A practice or combination of practices to control erosion and attendant pollution.

CONVENIENCE STORE. A store which sells any one or a combination of the following: groceries, pharmaceuticals, bakery goods, dairy products, hardware, and variety store items.

CONVENTIONAL ENERGY SYSTEM. Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls and energy-distribution components, which uses any source of energy other than solar or windmills. These sources include but are not limited to gas, oil, coal, and nuclear materials.

COOPERATIVE. Real estate owned by an association, each of whose members is entitled to a proprietary lease in a unit located on the real estate by virtue of the member's ownership interest in the association.

COUNTY. Ramsey County, Minnesota.

COURT. An open, uncovered space bounded on three or more sides by exterior building walls or other enclosing devices.

CULTURAL CENTER. A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially-operated theatres.

CURB LEVEL. The grade elevation established by the city of the curb in front of the center of a building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent.

DAY CARE CENTER. A facility which provides one of the following services: Care of a child outside the child's own home for gain or otherwise, on a regular basis for any part of a 24-hour day; or care for adults offering a program less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services.

DAY NURSERY. A use, licensed by the state where care is provided for pay for three or more children under kindergarten age for periods of more than three but less than 24 hours per day.

DECIBEL (dBA). The usual unit for measuring the relative loudness of sound.

DECK. A structure which is either freestanding or attached to a principal or accessory structure, constructed at grade or above grade, intended or designed for use as outdoor living space and unenclosed by solid or non-solid walls or a roof. (see FIGURE 9)

DENSITY. A unit of measurement of the number of dwelling units per acre of land derived by dividing the total number of dwelling units within the particular project, development or subdivision by the total number of acres contained in such development or subdivision excluding all dedicated public streets therein.

DEPENDENCY LIVING ARRANGEMENT. A living arrangement which permits a person with a physical or mental disability to live in a temporary separate living area within a single-family dwelling unit or permits a relative or paid attendant of a person with such a disability to live in a temporary separate living area within a single-family dwelling unit. Such living area may include a separate bath and separate kitchen facilities which permit a degree of independence. Ingress and egress for such a living area is from within the principal dwelling unit.

DEPTH OF REAR YARD. The mean horizontal distance between the rear line of the building and the nearest right-of-way line of an alley, where an alley exists; otherwise a rear lot line. (see FIGURE 10)

DESIGN AND PERFORMANCE STANDARDS. Standards and controls that establish the maximum size of structures and the buildable area within which structures may be located, including height, floor area ratio, gross floor area, lot coverage and yard requirements, but excluding residential density regulation.

DESIGN REVIEW COMMISSION. An advisory committee established by the City Council to review design guidelines and standards to determine if such plans are consistent with design manuals and provisions of this chapter.

DETENTION BASIN. A facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the basin is empty. The outlet or control structure is located at the bottom of the facility so that the basin is dry after the runoff event.

DETENTION FACILITY. A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

DEVELOPER. A person, firm, corporation, sole proprietorship, partnership, state agency or political subdivision thereof engaged in a land disturbance activity.

DEVELOPMENT. The construction of any public improvement project, infrastructure, structure, street, or road, or the subdivision of land.

DISABILITY/HANDICAP. With respect to an individual person, a verifiable physical or mental impairment that substantially limits one or more of such person's major life activities and is expected to be long continued and of indefinite duration.

DISTRICT. A section or zone of the city for which the regulation governing the land and building uses, lot area, height of structures and similar provisions are the same under the provisions of this chapter.

DORMER. A projection build out from a sloping roof, usually housing a vertical window or ventilating louver.

DRIVE/DRIVEWAY. A permanent, durable surface designed to provide vehicular access from a street to a lot or to provide vehicular access between different parts of a lot or parking area. A drive that is internal to a parking area is not the same as an aisle.

DRIVE-IN OR SELF-SERVICE BUSINESS. A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait.

DRY CLEANING ESTABLISHMENT. A use involving the cleaning or dyeing of fabrics with the use of mechanical appliances.

DWELLING. A building or one or more portions thereof occupied or intended to be occupied exclusively for residence purposes, but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, trailer coaches, or houseboats.

DWELLING, ATTACHED. A dwelling unit which is joined to another dwelling or building at one or more sides by a party wall or walls.

DWELLING, LIVE/WORK UNIT. A dwelling unit combining residential use types with commercial- or limited industrial-use types. This use classification includes but is not limited to: office, live/work facilities, or other similar uses.

DWELLING, MULTIPLE FAMILY. A residence structure designed for or occupied by three or more families, either wholly (attached) or partially (detached), with separate housekeeping and cooking facilities for each. A building, or portion thereof, on one lot, containing three or more dwelling units. (see FIGURE 11)

DWELLING, SINGLE-FAMILY. A residence structure that is free-standing (detached) and designed for or occupied by one family only. (see FIGURE 12)

DWELLING, TOWNHOUSE. A residence structure that is a single family dwelling unit constructed in a group of two or more similar single family dwelling units, with no other unit above it or below it, with each unit extending from the foundation to the roof, with each unit having a private entrance, and designed for not more than one family. A one-family dwelling unit constructed in a group of two or more similar one-family dwelling units, each with a private entrance that has direct access to the outside, which is part of a structure whose dwelling units are attached and arranged either horizontally or vertically. When arranged horizontally, they may span more than 1 parcel.

DWELLING, TWO FAMILY. A residence structure, ~~commonly referred to as a duplex, designed for or occupied by not more than two families, with separate housekeeping and cooking facilities for each.~~ located on a single parcel containing two dwelling units that each have separate housekeeping and cooking facilities, each of which has direct access to the outside. (see FIGURE 13).

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooling and sanitation.

DWELLING UNIT, ACCESSORY (ADU). Also known as a "granny flat," "mother-in-law apartment" or "carriage house" - is a self-contained living unit that can be located within the walls of an existing or newly constructed home, or that can be an addition to an existing home. It can also be a freestanding structure on the same lot as the main house.

EASEMENT. A grant by the owner of land to the general public or to others for a specific use of the land.

EDUCATIONAL SERVICES. A business, professional, or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, computer use or programming, and cosmetology.

ELECTRONIC AMUSEMENT DEVICE OR GAME. A mechanical or electronic amusement device or machine which, upon the insertion of a coin, token or slug, operates or may be operated or used for a game, contest or amusement of any description and which contains no payoff in money, coins, checks or merchandise other than a free game(s) at the same machine. Said item includes pinball machines; miniature pool tables; bowling machines; shuffle-boards; electric rifle or gun games; miniature mechanical or electrical games patterned after baseball, football, basketball, hockey, soccer or similar games; electric work and test games; and electric video games of sports, words or aptitude used solely for amusement and not as gambling devices. This term does not include jukeboxes, food vending machines or children's amusement devices.

ENERGY DISSIPATION. Methods employed at pipe outlets or along pipe alignments to prevent erosion including, but not limited to: concrete aprons, riprap, collars, splashguards, and gabions.

ENGINEER. The City Engineer of the City of North St. Paul.

EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

EROSION. Any process that wears away the surface of the land by the action of water, wind, ice or gravity. Erosion can be accelerated by the activities of man and nature.

EROSION CONTROL. Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

ESSENTIAL SERVICES. Overhead or underground electric, gas, steam or water distribution systems and structures for collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fiber alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

EXCAVATION. The mechanical removal of earth material.

EXTERIOR STORAGE. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FAMILY. One or more persons related by blood, adoption, or marriage, including foster children and household servants, living and cooking together as a single housekeeping unit; a number of persons, but not exceeding three, living together as a single housekeeping unit though not related by blood, adoption or marriage; or a number of persons, including no more than two adults, living together as a single housekeeping unit where the minor household members are the natural, adoptive or foster children of one of the household members.

FAMILY DAY CARE. See 'Day Nursery'.

FARM FENCE. A fence as defined by M.S. § 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this chapter. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this chapter.

FARMERS MARKET. The seasonal selling or offering for sale at retail of vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FEEDER LINE. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

FENCE. Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary, within the required yard, or elsewhere on the property. Fence height shall be measured from the normal grade adjacent to the fence line.

FENESTRATION. Skylights, roof windows, vertical windows (whether fixed or moveable); opaque doors; glazed doors; glass block; and combination opaque/glazed doors.

FILL. A deposit of earth material placed by artificial means.

FINISHED LIVABLE FLOOR AREA. The floor area of all rooms which can be used for living, eating, sleeping, and recreation including bathrooms, closets and stairways serving such rooms. Measurements can be made from the exterior wall line and interior walls of qualifying rooms may be included. Finished means the area has electrical, lighting, ventilation, heating and surfacing composed of finished materials.

FLOOD. A general or temporary conditions of partial or complete inundation of normally dry land areas.

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Ramsey County, Minnesota (all jurisdictions).

FLOOD PLAIN. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

FLOOD PRONE AREA. Any land susceptible to being inundated by water from any source (see "Flood").

FLOODPROOFING. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

FLOOR AREA. The total square footage of each floor of a building measured from the exterior faces of the exterior walls.

FLOOR AREA RATIO (FAR). The numerical value obtained by dividing the total square footage of a building or buildings by the total lot or parcel area of the site. (see FIGURE 14)

FLOOR PLAN. A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

FOOD AND BEVERAGE ESTABLISHMENT. A building, structure, enclosure, or any part of a building, structure or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.

FUNERAL HOME. A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. For purposes of this code, a FUNERAL HOME may not include a crematory but may include a columbarium.

GABLE. The triangular upper portion of an end wall under a peaked roof.

GARAGE, PRIVATE. A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of one and one-half tons under the control of and used by the occupants of the principal building on the site.

GARDEN MATERIALS SALES. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, plant nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

GOLF COURSE. A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

GRADE, FINISHED. The finished ground level adjoining the building at all exterior walls.

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the finished ground, paving, or sidewalk surface between the building and the property line or between the building and a line five feet from the building when the property line is more than five feet from the building.

GRADE, NATURAL. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is

determined by reference to a survey, or other information as determined by the Zoning Administrator.

GRADE, PLANE. A reference plane representing the average of a finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

GREENHOUSE. A structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of food or ornamental crops.

GROCERY. Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

GROSS FLOOR AREA (GFA). Total gross floor area including exterior building walls of all floors of a building or structure. Also referred to as 'gross square feet,' or GSF.

GROSS LEASABLE AREA (GLA). The portion of GFA that is available for leasing to a tenant.

GROUND FLOOR/FIRST FLOOR. The lowest floor of a building having its floor to ceiling height at or above the grade.

GROUND FLOOR AREA. The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached garages which do not exceed 12 feet in height.

GROUND FLOOR-AREA RATIO. The numerical value obtained through dividing the gross ground floor area of a building by the net area of the lot or parcel of land on which such building is located.

GROUND COVER. Grass or other spreading plant material used to define and cover the ground surface, less than 12 inches tall.

GROUP FAMILY DAY CARE. Day care for no more than 14 children at any one time.

GROUP HOME. See 'State Licensed Residential Facility'.

HEIGHT. The vertical distance of a structure measured from the average elevation of the finished grade lying 15 feet from the structure to: the highest point of the roof or parapet, for flat roofs; or, the mid-point between the eaves and the ridge, for sloped roofs.

HISTORIC STRUCTURE (as defined in the Code of Federal Regulations 59.1) are:

1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district;

3) Individually listed on a State Historic Preservation Offices state inventory of historic places;

4) Individually listed on a local inventory of historic places of the City of North St. Paul under a program overseen by the City Heritage Preservation Commission.

HOLDING POND. An area designed or accepted by the City Engineer and approved by the city to retain water to control the flow of storm water.

HOME OCCUPATION. An occupation, profession, activity, or use conducted for financial gain or profits on a residential property that is clearly secondary to the residential use of the dwelling not including a yard sale.

HOSPICE. A facility providing a caring environment for supplying the physical and emotional needs of the terminally ill.

HOSPITAL. An establishment where patients are admitted for medical, surgical, or psychiatric treatment for outpatient and/or inpatient, overnight accommodation.

HOT TUB. A tub or small pool, usually made of wood or fiberglass, in which heated water is maintained for recreational or therapeutic activities, including, but not limited to Jacuzzis, whirlpools and spas.

HOTEL. An establishment containing rooming units providing temporary lodging accommodations to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building, and which may provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel shall not include any use which could be defined as a motel.

HYDRIC SOILS. Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

HYDROPHYTIC VEGETATION. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

IMPERVIOUS SURFACE. A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

INFILTRATION AREA. A stormwater retention method for the purpose of reducing the volume of stormwater runoff by transmitting a flow of water into the ground through the earth's surface.

INFRASTRUCTURE. The system of public works for a county, state, or municipality including, but not limited to, structures, roads, bridges, culverts, sidewalks; stormwater management facilities, conveyance systems and pipes; pump stations, sanitary sewers and interceptors, hydraulic structures, permanent erosion control and stream bank protection measures, water lines, gas lines, electrical lines and associated facilities, and phone lines and supporting facilities.

INOPERABLE MOTOR VEHICLE. A vehicle which has not been moved for three months, or does not have current license plates on it, or which cannot be safely driven without repair.

INSTITUTION. A use conducted by, or a facility or structure owned or operated by, a nonprofit, religious, or charitable institution that provides educational, cultural, recreational, religious, or other similar types of public services.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

INTERIM USE. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permits it.

L10. The sound level, expressed in dBA, which is exceeded 10% of the time for a one hour survey, as measured by test procedures approved by the Director of the Minnesota Pollution Control Agency.

L50. The sound level, expressed in dBA, which is exceeded 50% of the time for a one hour survey, as measured by test procedures approved by the Director of the Minnesota Pollution Control Agency.

LAB, RESEARCH. A building or group of buildings in which are located facilities for technological or scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

LAND DISTURBING OR DEVELOPMENT ACTIVITIES. Any change of the land surface including removing vegetative cover, excavating, filling, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion, or the movement of sediment into water bodies. The use of land for new and continuing agricultural activities shall not constitute a land disturbing activity under this chapter.

LANDLOCKED BASIN. A basin that does not have a natural outlet at or below the existing flood elevation as determined using the simplified hydrologic yield method or other acceptable hydrologic analysis method identified in the Comprehensive Surface Water Management Plan, adopted August of 2006, as amended.

LANDSCAPE PLAN. A component of a development and/or site plan on which required information is shown in order for authorized review bodies to make an informed decision to approve or deny the submission.

LANDSCAPING. An expanse of scenery including lawns, plants, trees, and other natural materials, such as rock, stone, wood chips; and decorative features, including fountains, sculptures, walks, and water features.

LAUNDROMAT. A facility where patrons wash or dry clothing or other fabrics in machines operated by the patron and/or a business that provides washing, drying and ironing for hire by an employee of the facility. Does not include dry cleaning of clothing or other fabrics onsite.

LEAST SUSCEPTIBLE WETLAND TYPE. A wetland characterized as a gravel pit, cultivated hydric soil, dredged material or fill, or material disposal site.

LIMITED PRODUCTION AND PROCESSING. Small-scale assembly, disassembly, fabrication, manufacture, cleaning, servicing, packaging, sorting or other handling of goods or materials, either as an intermediate input for further production or processing, or for final sale, use or consumption.

LIQUOR STORE. An establishment that sells alcoholic beverages for off-premises consumption.

LOADING SPACE. That portion of a lot or plot designed to serve the purpose of loading or unloading all types of vehicles.

LODGING HOUSE. Any dwelling other than a hotel or motel where lodgings are provided for compensation for one or more persons, not to exceed eight, pursuant to previous arrangements for definite periods of time.

LOT. A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law.

LOT AREA. The area of a horizontal plane bounded by front, rear and side lot lines, excluding any public ways.

LOT AREA PER UNIT. The number obtained by dividing the lot area by the number of dwelling units on or proposed for the property.

LOT, CONFORMING. A lot or parcel legally existing on the effective date of this chapter which meets the minimum lot width and lot area requirements of this chapter.

LOT, CORNER. A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees. (see FIGURE 15)

LOT COVERAGE. The amount of impervious surface on a lot.

LOT, DEPTH. The distance from the front line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

LOT, DOUBLE FRONTAGE/LOT, THROUGH. A lot other than a corner lot which has a property line abutting on one street and an opposite property line abutting on another nonintersecting street. (see FIGURE 15)

LOT, FLAG. Any lot having less frontage on a public way than is typical for the block in which the lot is proposed and is configured such that a narrow access corridor extends from the point of frontage to a larger portion of the lot (the "rear lot").

LOT FRONTAGE. The length of the property line of any one premises along an abutting public right-of-way.

LOT, INTERIOR. Any lot other than a corner, through or flag lot. (see FIGURE 15)

LOT LINE. A line of record bounding a lot that divides one lot from another lot or from a public or private street or alley or any other public or private space.

LOT LINE, FRONT. The boundary of a lot which abuts an existing or dedicated public or private street. In the case of a corner lot, the front lot line shall be the shortest dimension on a public or private street; if the dimensions of a corner lot are equal, the front line shall be designated by the owner.

LOT LINE, REAR. That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front or rear lot line.

LOT LINE, ZERO. The reduction to zero of a side yard setback requirement permitting the placement of a structure near or adjacent to the side yard lot line; however, no portion of the structure or accessory appurtenance shall project over the lot line.

LOT, NONCONFORMING. See 'Nonconforming - Lot'.

LOT OF RECORD. A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this chapter, or approved by the city as a lot subsequent to such date, and which is occupied by or intended for occupancy by one principal use, together with any accessory buildings or the open spaces as required by this chapter and having its principal frontage on a street, or a proposed street approved by the Council.

LOT, REVERSED CORNER. A corner lot, the rear of which abuts the side of another lot.

LOT WIDTH. The maximum horizontal distance between the side lot lines of a lot measured within the first 30 feet of lot depth.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

LUMINANCE. The physical measure of brightness or light emanating from an object with respect to its size. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candela per square meter).

MAJOR WATERSHED. One of the 87 major watershed units delineated by the map titled State of Minnesota Watershed Boundaries, 1979, produced by the Minnesota Department of Natural Resources as included in the Wetland Conservation Act Rules 8420.0549.

MANUFACTURED HOME. A structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it. The term "manufactured home" does not include the term "recreational vehicle."

MANUFACTURED HOME PARK. One or more contiguous parcels of land under a single management which have been designed and developed in such a manner as to provide individual manufactured home sites for two or more manufactured homes and includes any building, structures, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park as defined in M.S. § 327.

MANUFACTURED HOME SITE. An area of land within a manufactured home park that is designed and developed in such a manner as to provide a location for one manufactured home.

MANUFACTURED HOME STAND. That portion of a manufactured home site that is designed, constructed, and improved in such a manner as to provide a base upon which a manufactured home shall rest, and which also serves as a base upon which blocks or other materials are placed to assist in leveling the floor of the manufactured home and provide a temporary type of foundation.

MARQUEE. A permanent roofed structure attached to and supported by the building and projects over property.

MEDICAL CANNIBAS FACILITY. A facility involved in medical cannabis, including a medical cannabis manufacturer, medical cannabis distribution facility, and medical cannabis laboratory.

MEMBRANE STRUCTURE. A structure lacking a permanent foundation usually consisting of an aluminum, steel or plastic frame which is covered with aluminum, steel, plastic, fabric, canvas or similar materials and is used to provide storage of vehicles, boats, recreational vehicles or other personal property. The term shall also apply to structures commonly known as carports, hoop houses, and tent garages and can be fully or partially covered but shall not apply to boat lifts and canopies which are placed in public water.

MINI-WAREHOUSE. A building or group of buildings in a controlled-access, screened, and secured compound that contains individual compartmentalized and controlled-access storage spaces of varying sizes which are leased or rented for storage purposes on an individual basis.

MINNESOTA POLLUTION CONTROL AGENCY (MPCA). The state organization responsible for the NPDES/SDS permitting system.

MODERATELY SUSCEPTIBLE WETLAND TYPE. A wetland characterized as shrub-carr, alder thicket; fresh wet meadow not dominated by reed canary grass; or shallow or deep marsh not dominated by reed canary grass, cattail, giant reed, or purple loosestrife.

MODULAR BUILDING, INDUSTRIALIZED. A building of closed construction made or assembled in manufacturing facilities off the building site, for installation, or assembly and installation, on the building site, and is constructed so that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage, destruction. This does not include "manufactured home" or "prefabricated home", which are each defined separately.

MOTEL. A building containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside and with automobile parking located adjacent to or near sleeping rooms.

MUNICIPAL SEPARATE STORM SEWER SYSTEM. As defined in City Code § 56.01.

NATURAL ENVIRONMENT LAKES. Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

NET FLOOR AREA (NFA). Total floor area, excluding exterior building walls.

NOISE. Any activity which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property (or if a condominium or apartment house, within any adjoining apartment) above the ambient noise levels as designated by the NAC noise table at the time and place and for the duration then mentioned.

NON-CONFORMING -

LOT. A lot or parcel legally existing on the effective date of this chapter which does not meet the minimum lot width or lot area requirements of this chapter or on the effective date of a new land use regulation.

SIGN. A sign which lawfully existed at the adoption of this chapter but does not conform to its requirements.

STRUCTURE. A structure legally existing on the effective date of this chapter, or subsequent revisions, which does not comply with the most current regulations herein governing the zoning district in which such structure is located.

USE. A use of land, buildings, or structures legally existing on the effective date of this chapter or a new land use regulation, which does not comply with the regulations herein governing the zoning district in which such use is located. Any use which has been allowed as a conditional use shall not be considered non-conforming.

NON-POINT SOURCE. Nutrient and pollution sources not discharged from a single point, e.g. runoff from agricultural fields, feedlots or urban streets.

NORMAL WATER LEVEL (NWL). For a reservoir with a fixed overflow, the NWL is the lowest crest level of that overflow. For a reservoir whose outflow is controlled wholly or partly by movable gates, siphons or other means, it is the maximum level to which water may rise under normal operating conditions, exclusive of any provision for flood storage. For a closed depression wetland, it is the maximum level to which the water may rise under normal precipitation conditions exclusive of any provision for flood storage.

NURP. The Nationwide Urban Runoff Program developed by the Environmental Protection Agency to study storm water runoff from urban development.

NURSERY SCHOOL. See 'Day Nursery'.

NURSING HOME. A licensed facility or part of a licensed facility which provides nursing care to five or more persons. This does not include a facility or part of a facility which is a hospital, a hospital with approved swing beds as defined in M.S. § 144.562, clinic, doctor's office, diagnostic or treatment center, or a residential program licensed pursuant to M.S. §§ 245A.01 - 245A.16, or M.S. § 252.28 and M.S. § 144A.01 Subd. 5.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

OCCUPIED SPACE. The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by this code.

OFF-GRID. An electrical system that cannot be or is not permitted to be connected to the utility's electric system or to any building or structure that is connected.

OFFICE. Administrative, executive, professional, or similar organizations, providing direct services to consumers provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, academic instruction, engineering, interior design, graphic design, or legal services.

OFFICIAL ZONING MAP. A map adopted in accordance with M.S. § 462.359 and is the Official Zoning Map for the city.

ONE HUNDRED YEAR FLOODPLAIN. Lands inundated by the "Regional Flood."

OPEN SPACE. Land preserved apart from development. An open area, including passive and active recreation, unimproved land, pedestrian plazas, parks, nature areas, playgrounds and trails, but not including holding ponds.

ORDINANCE. This Zoning Ordinance, adopted as Chapter 154 of the City Code, and as subsequently amended.

ORDINARY HIGH-WATER LEVEL (OHWL). The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

OUTDOOR SALES AND DISPLAY. Land devoted to the display of goods, products or merchandise for sale, rent, lease or trade where such goods are not enclosed within a building. This can also include the selling of goods or products outside.

OUTDOOR SALES EVENT. A seasonal or occasional sale held on the sidewalk or other location outside a building.

OUTDOOR SEATING. A commercial seating area for business patrons.

OUTDOOR STORAGE. Permanent storage of goods, materials, equipment, or fleet or service vehicles outside of an enclosed building.

OUTLOT. A tract of land identified by a capital letter and is land that is not part of a block.

OVERLAY DISTRICT. A zoning district that encompasses one or more primary zoning districts or portions thereof and that imposes additional requirements or relaxes one or more standards required by the primary zoning district.

OWNER. Any individual, firm, association, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

PARAPET. A low protective wall along the edge of a roof, bridge, or balcony.

PARCEL. A designated lot, tract or area of land established by plat, subdivision or as otherwise permitted by law.

PARK, PUBLIC. A park operated by the City of North St. Paul, including all park buildings.

PARKING -

ACCESSIBLE PARKING SPACE. Parking spaces accessible for persons with disabilities.

ACCESSORY PARKING. Automobile parking as a subordinate use and of a nature incidental to but supportive of the principal use, building or structure. Accessory parking is characterized as a free service for employees and/or customers of the principal use, building or structure.

PARKING LOT. Any off-street area that is one-level, surfaced, open-to-the-air, and used for parking vehicles.

PARKING SPACE. A suitably surfaced and permanently maintained area, either within or outside a building, of sufficient size to store one standard automobile exclusive of any driveway or other circulation area, accessible from a street, alley, or maneuvering area.

PARKING STRUCTURE. Any structure, including multi-level parking, designed and used for temporary location of vehicles and is commonly called a parking garage or parking ramp.

PROOF OF PARKING. An area of a lot other than that area secured for yards, usable open space or landscaping which is allocated for parking but is not paved or striped.

~~MUNICIPAL~~ PARKING FACILITY. A commercial parking facility owned and operated by the city or by a private entity and designed to accommodate the off street parking of motor vehicles ~~as a capital improvement~~. Such parking may be located in a structured parking facility, a surface lot or a combination thereof.

PARKS AND RECREATION COMMISSION. The Parks and Recreation Commission of the city, except when otherwise designated.

PARTY WALL. A wall which divides two adjoining structures and in which each of the occupants of the structures has rights of enjoyment.

PATIO. A covered or uncovered, surfaced outdoor living area located at grade, adjacent to and accessible from a dwelling.

PAWN SHOP. A facility where money is loaned based on the value of goods deposited at the facility by the borrower of the money, which goods are held by the pawnbroker of the money occupying the facility as collateral for the loan. Items held by the pawnbroker which are not redeemed by a borrower may be put up for sale at the facility to the general public.

PEDESTRIAN ORIENTED DEVELOPMENT. Developments that are designed to provide a safe, comfortable environment for pedestrians. Important elements include sidewalks that are separated and buffered from vehicular traffic with limited interruption from driveways; the provision of street trees and appropriate street furniture; and buildings that visually address the street with visible entranceways and windows, and, in the case of commercial buildings, may include awnings or canopies that protect pedestrians from the weather.

PERFORMANCE STANDARD. Regulatory language stating the minimum requirement or the maximum allowable limit on the effects or characteristics of a use or structure.

PERFORMANCE-BASED DESIGN. An engineering approach to design elements of a building based on agreed upon performance goals and objectives, engineering analysis, and quantitative assessment of alternatives against the design goals and objectives, using accepted engineering tools, methodologies, and performance criteria.

PERGOLA. A building-like structure with columns supporting an elevated trellis over which vines or plants may grow.

PERSON. Any individual, firm, trustee, receiver, assignee, partnership, unincorporated society or association, limited liability company, corporation or any other type of business or association, including respective successors or assigns.

PERSONAL SERVICES. Establishments providing nonmedically related services, including salons, spas (with or without massage), barber shops, garment tailoring or repair, laundry and dry-cleaning establishments, body art establishments, and post offices. These uses may also include accessory retail sales of products related to the services provided.

PERVIOUS PAVEMENT OR PAVERS. Pavement or pavers that are designed and maintained to allow precipitation to infiltrate into the ground, in order to reduce the volume and velocity of stormwater runoff. Pervious pavement materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, and similar materials determined by the City Engineer to qualify.

PHASED DEVELOPMENT. Two or more development projects undertaken or to be undertaken by the same developer or proposer that the city determines will have effects on the same geographic area and that are or will be undertaken over a limited period of time.

PHYSICALLY HANDICAPPED. Having sight disabilities, hearing disabilities, disabilities of incoordination, disabilities of aging, or other disabilities that significantly reduce mobility, flexibility, coordination, or perceptiveness.

PLANNED UNIT DEVELOPMENT (PUD). A large area of land under unified control that is planned and developed as a whole through a single development operation or programmed series of development phases, in accord with the master plan for the purpose of encouraging design flexibility, mix of land uses, housing types, density, sustainability and creativity in land

planning. The development may include streets, sidewalks, utilities, buildings, open space and other site features and improvements.

PLANNING COMMISSION. The Planning Commission of the City of North St. Paul established by the City Council to perform planning pursuant to M.S. § 462.354.

PLANTING AREA. An unpaved pervious area intended or used for the placement of a tree or other required landscaping elements.

PLAT. The drawing or map of a subdivision prepared for filing of record pursuant to M.S. § 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to M.S. § 462.358 and M.S. § 505.

PORCH. A covered entrance to a building consisting of a platform area, with open or enclosed sides, projecting from the wall of a building. (see FIGURE 16)

PORTABLE STORAGE UNIT. A non-permanent, non-habitable, self-contained structure designed for temporary placement on and subsequent removal from a parcel for the purpose of facilitating off-site storage.

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

PRACTICAL DIFFICULTIES. Used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

PRE-CUT HOME. A non-mobile housing unit in which the lumber components for the walls, floors and ceilings, roof and structured member are pre-cut at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

PREFABRICATED HOME. A single-family or multi-family dwelling unit constructed of walls, floors, ceilings and other building components that have been separately constructed off of the building site and are then transported to the building site for assembly and installation.

PREMISES. Land together with the buildings and structures thereon.

PRODUCTION OR PROCESSING. The assembly, disassembly, fabrication, manufacture, cleaning, servicing, packaging, sorting or other handling of goods or materials, either as an intermediate input for further production or processing, or for final sale, use or consumption.

PROPERTY LINE. The legal boundaries of a parcel of property.

PUBLIC HEALTH AND GENERAL WELFARE. As defined in M.S. § 103D.011, Subd. 23 and 24.

PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, street lights, lot improvement or other facility for which the city may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is or may be established.

PUBLIC LAND. Land owned or operated by a municipality, school district, county, state or other governmental unit.

PUBLIC NOTICE. A ten days' printed notice of the time, place, and purpose of a hearing or proceeding.

PUBLIC OPEN SPACE. Open space owned by the city, county, state, school district or other special district.

PUBLIC WATERS. Waters of the state as defined in M.S. § 103G.005, Subd. 15.

PUBLIC WAY. An alley, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, lane, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other way in which a public entity has a proprietary right, or which is dedicated whether or not it has been improved.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

RECEIVING WATERS. All lakes, ponds, streams, marshes, reservoirs, springs, wetlands that are not part of the city's municipal separate storm sewer system.

RECREATION –

RECREATION, ACTIVE. Refers to a structured individual or team activity that requires the use of special facilities, courses, fields, or equipment. Examples of active recreation include: baseball, soccer, tennis, skateboarding, and hockey.

RECREATION, INDOOR, COMMERCIAL. A commercial recreational land use conducted entirely within a building, including arcade, arena, athletic and health clubs, bowling alley, community center, conference center, exhibit hall, gymnasium, movie theater, pool or billiard hall, skating rink, swimming pool, tennis court and the like.

RECREATION, OUTDOOR, COMMERCIAL. A commercial recreation facility that is primarily an open-air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, or miniature golf facilities.

RECREATION, PASSIVE. Refers to recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection. Examples of passive recreation include: hiking, picnicking, swimming, walking, observing and photographing nature.

RECREATION, PUBLIC. All uses that are commonly provided at parks, playgrounds, community centers and other such sites owned and operated by a unit of government for the purpose of providing recreation to the public.

RECREATIONAL DEVELOPMENT LAKES. Generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.

RECREATIONAL VEHICLE. A vehicular type portable structure without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living

accommodation for recreational, camping, and travel use, and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

REGIONAL FLOOD. A flood which can be expected to occur on an average frequency in the magnitude of the 1% change or 100-year recurrence interval. REGIONAL FLOOD is synonymous with the term "base flood" used in a flood insurance study.

REGISTERED LAND SURVEY. A survey map of registered land designed to simplify a complicated metes and bounds description by designating the same as a tract or tracts of a registered land survey number.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE). An elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

RELIGIOUS INSTITUTIONS. A facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. For purposes of this code, a columbarium shall be included in the definition of religious institution. This term does not include an elementary or secondary school, a specialty or personal instruction school, or a college. This term is also known as a place of worship.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

RESTAURANT. An establishment that involves the preparation of food and drink, served to and consumed by patrons primarily ~~within the building on the premises or for carry out.~~

RETAIL SALES. A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RETENTION. The prevention of direct discharge of storm water runoff into receiving water or conveyance networks; examples include systems that discharge through percolation, exfiltration, infiltration and evaporation processes that generally have residence times of less than three days.

RETENTION FACILITY. A permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

REZONING. The process whereby the zoning classification or specific regulations applicable to a property are changed from one district to another, also referred to as "Zoning Map Amendment."

RIGHT-OF-WAY. Land acquired by reservation or dedication intended for public use and to be occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses. RIGHT-OF-WAY includes any "Public Ways."

ROOF (TYPES). The top covering of a building constructed to shield the area beneath from the weather.

ARCH. A curved symmetrical structure supporting the weight of a roof above.

FLAT. A roof slope with a two-foot rise over a twelve-foot run or less.

GABLED. A roof that slopes from both sides of a ridge.

GAMBREL. A double pitched roof.

HIPPED. A roof with slopes on all four sides, continuous from peak to eaves.

MANSARD. A steep, dual pitched hipped roof allowing a tall attic space; frequently used to add an upper story.

ROOF LINE. The highest point of the coping of a flat roof, the lower edge of the eave of a pitched roof, or the uppermost height of a facade or parapet in the case of an extended facade or parapet.

ROOF PITCH. The final exterior slope of a building roof typically but not exclusively expressed as a ratio of the distance, in inches, of vertical "rise" to the distance, in inches, of horizontal "run," such as 3:12, 9:12, 12:12.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.

RUNOFF. Rainfall, snowmelt, or irrigation water flowing over the ground surface.

RWMWD. Ramsey-Washington Metro Watershed District.

SALVAGE YARD. Any place where any person who is a junk dealer or salvage dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise transfers junk or salvaged material.

SCHOOLS, ELEMENTARY OR SECONDARY. Public or private schools which provide an educational program for one or more grades between kindergarten and grade 12 and which are commonly known as elementary schools, grade schools, middle schools, junior high schools, or high schools.

SCREENING. The use of plant materials, fences or earthen berms to partially conceal the separate land use from the surrounding land use.

SECTION (ELEVATION). A view of a building seen from one side, a flat representation of one façade. This is the most common view used to describe the external appearance of a building.

SEDIMENT. Solid mineral or organic material, that in suspension is being transported or has been moved from its original site by air, water, gravity or ice, and has been deposited at another location.

SEDIMENTATION. The process or action of depositing sediment that is determined to have been caused by erosion.

SELF-SERVICE STORAGE FACILITY. A building or group of buildings in a controlled-access, screened, and secured compound that contains individual compartmentalized and controlled-access storage spaces of varying sizes which are leased or rented for storage purposes on an individual basis.

SENIOR HOUSING. A residential housing development, excluding nursing homes and exclusive of any unit occupied by a caretaker, consisting of units meeting the following requirements:

1) The units are designed for occupancy by individuals over 55 years of age or by a couple with one or both members over 55 years of age;

2) The property owner shall record a covenant to run with the land executed in a form approved by the city which restricts the use of the property to occupancy by senior citizens;

3) Developments which do not consist of townhouses shall provide a lounge or other inside community rooms equal in aggregate size to a minimum of 15 square feet for each dwelling unit.

SENIOR HOUSING WITH SERVICES. Nursing home, assisted living, and memory care for individuals 55 and older, as defined by M.S. § 144(D) and 144(G), as they may be amended from time to time.

SETBACK. The distance between a building and the property line nearest thereto. (see FIGURE 17)

FRONT. The minimum distance by which any building or structure must be separated from the front lot line.

REAR. The minimum distance by which any building or structure must be separated from the rear lot line.

SHORELAND. The minimum horizontal distance between a structure and the ordinary high water mark.

SHORT-TERM RENTAL. Any dwelling or portion thereof that is available for use or is used for overnight accommodations or lodging to guests for compensation, for periods of less than 30 consecutive days.

SIDE. The minimum distance by which any building or structure must be separated from the side lot line.

SEWAGE. Any water-carried domestic waste, exclusive of footing drainage and stormwater runoff, of any residence, industry, agricultural or commercial establishment, whether treated or untreated, including the liquid wastes produced by bathing, laundry, or culinary operations, and from toilets and floor drains.

SEWAGE, RAW. Sewage which has not been subjected to any treatment process.

SHOPPING CENTER. A group of commercial establishments built on a site which is planned and developed as an operating unit and typically sharing common space and services such as parking, maintenance and advertising.

SHORE IMPACT ZONE. All land between the ordinary high or water's edge and a line parallel to it at a setback of 50% of the structure setback, as detailed below.

Shore Impact Zone

Silver Lake 37.5'

Casey Lake 75'

SHORELAND. Land located within 1,000 feet from the normal high water level of a lake, pond, or flowage; and land within 300 feet of a river or stream.

SHORELAND ALTERATION. Grading or filling of shoreland areas or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water.

SHORELAND DISTRICT. Land located within a floodplain, within 1,000 feet of the OHW of a public water or public waters wetland or within 300 feet of a stream or river.

SHRUB. A low, usually several stemmed, woody plant.

SIGN. Any written message, name, identification, description, display, illustration, pictorial presentation, number, decoration, flag, banner or other device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to an object, product, place, activity, person, institution, organization or business. A sign shall be considered as a structure or a part of a structure for the purpose of applying yard and height regulations.

SIGN (TYPES). (see FIGURE 18)

ADDRESS. A sign consisting of identification numbers only, either in written or numerical form.

ANIMATED. A sign with a progression of frames which give the illusion of motion, moving objects, moving patterns or bands of lights and shapes; or that gives the visual impression of movement.

AUXILIARY. A sign that has a purpose secondary to the use of the lot on which it is located, such as "telephone," "drive-through," "cash machine," "air," "entrance," "exit," parking restrictions, security warnings or similar directives.

AWNING. A sign attached to, affixed to, or painted on an awning

BACKLIGHTING. An illuminated sign where the light source which illuminates the wall behind individual sign letters is hidden from view. The sign letters are opaque and appear as a silhouette against the lighted surface.

BEACON LIGHT. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BENCH. A sign attached to a bench located on the street and designed for seating while waiting at a bus stop.

BILLBOARD. An off-premises sign which consists of one or more sign faces primarily intended by the sign owner to be available for sale, lease or rental for the purpose of promoting any business or other activity which is not situated on the same property as the billboard or of promoting any product or service which is not primarily available on the same property as the billboard; and incidentally used for the display of public service messages.

BUILDING MARKER. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

CANOPY. A sign attached to, affixed to, or painted on a canopy.

CHANGEABLE SIGNS -

MANUALLY ACTIVATED. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.

ELECTRONICALLY ACTIVATED. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of

electronically illuminated or mechanically driven changeable segments. Includes the following two types:

COMPUTER-CONTROLLED VARIABLE MESSAGE ELECTRONIC SIGNS. Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

FIXED-MESSAGE ELECTRONIC SIGNS. Signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other content subject to prior programming.

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

DIRECT LIGHTING. An illuminated sign where the source of light is visible.

DIRECTIONAL. A sign which contains the name and address of a site, directional arrows and possibly the distance to the location of that site.

FLAG. Any fabric or flexible material attached to or designed to be flown from a flagpole or other similar structure.

FLASHING. Any illuminated sign which emits an intermittent or flashing light, or creates the illusion of intermittent or flashing light by means of animation which is not a "Changeable Sign."

FREESTANDING. A sign on a frame, pole, or other, support structure not attached to any building.

IDENTIFICATION. A sign containing principally the name of the individual or establishment occupying the premises, and which also may include the street address, telephone number or other information identifying the use.

ILLUMINATED. Any sign which has characters, letters, figures, designs or outlines which are either internally or externally illuminated by an artificial light source.

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE ATTACHMENT. Any sign attached to, in any manner, or made a part of a marquee.

MONUMENT. A sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

MURAL. A work of graphic art painted on a building wall, which contains no commercial advertising or logos, and which does not serve to advertise or promote any business, product, activity, service, interest or entertainment.

NAME PLATE. Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

NONCONFORMING SIGN. See 'Non-Conforming-Sign'

OFF-PREMISE. Any sign that advertises an establishment, merchandise, service, or entertainments which is not sold produced, manufactured, or furnished at the property on which said sign is located.

ON-PREMISE. A sign whose message is related to the premises or the activity and use occurring on the premises on which the sign is located.

PORTABLE. A sign that is movable and not permanently attached to a structure or the ground. Portable signs include sandwich board signs, portable reader boards on wheels that display changeable letters, trailer signs, gas-filled balloons, and similar signs.

PROJECTING. A sign attached to and projecting out from a building face or wall, generally at right angles to the building. These signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

PUBLIC. Any sign defined as a traffic control sign in the Highway Traffic Regulation Act, any identification sign installed in a public park by a public authority or any other identification, regulatory or warning sign approved by the city for installation on public land.

RESIDENTIAL. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance.

ROOF. A sign erected on a roof, or signs that project above the highest point of the roofline, parapet, or fascia of the building.

ROTATING. A sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including without limitation a multi-vision sign.

TEMPORARY. A sign installed for a limited time and not constructed or intended for long-term use.

BALLOON. A sign consisting of a bag or similar device made of lightweight material supported by helium, hot, or pressurized air, which is greater than 18 inches in diameter.

BANNER. A sign made of fabric or other similar nonrigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners.

CONSTRUCTION. A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. A pennant for purposes of this chapter is considered part of temporary signage.

POLITICAL. A sign which advertises or promotes a candidate for public office, a political party or an issue to be considered in a public election.

REAL ESTATE. A sign which advertises the development, sale, lease or rental of land or buildings.

STRINGER. A sign that is made of commercial or decorative pennants, flags or streamers which are attached to a string, rope or cable.

WALL. A sign mounted flat against a wall, or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.

WINDOW. A sign posted, painted, placed, or affixed to the interior or exterior of a window. Signs that face a window exposed to public view and located within 12 inches of the window are considered a window sign.

SIGN (ELEMENTS) -

FACE. That portion of a sign upon which the message, advertisement or similar display is presented, as distinguished from the structural members.

HEIGHT. The distance measured perpendicularly from the highest point of the sign structure to the grade level of the ground directly below that point or the grade level of the center line of the nearest adjacent roadbed, whichever grade level is higher.

STRUCTURE. A structure including the supports, uprights, bracing and framework which supports or is capable of supporting a sign.

SITE. A lot or group of adjacent lots intended, designated, or approved to function as an integrated unit, that is proposed for development in accord with the provisions of this chapter and is in a single ownership or has multiple owners, all of whom execute a joint application for development.

SITE PLAN. A plan for the development of a tract of land drawn to scale, including but not limited to identifying the proposed uses; the location and dimensions of all proposed structures; public and private streets and roadways on or abutting such tract, parking areas, ground covers; total acreage of the tract, legal description, number of dwelling units, if any, and number of bedrooms for each; the gross floor area, the floor area and ground floor area of all buildings and structures; and the graphic scale to which the plan is drawn.

SLOPE. The degree of deviation of a surface from the horizontal; usually expressed in percent or degrees.

SOLAR TYPES -

SOLAR ACCESS. A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 a.m. and 3:00 p.m. standard time on any day of the year.

SOLAR COLLECTOR. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR COLLECTOR SURFACE. Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

SOLAR DAYLIGHTING. A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY DEVICE. A system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar

systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.

SOLAR ENERGY EASEMENT. See 'Renewable Energy Easement'.

SOLAR HEAT EXCHANGER. A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

SOLAR HOT WATER SYSTEM. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES. Devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR STORAGE UNIT. A component of a solar energy device that is used to store solar generated electricity or heat for later use.

SOLAR SYSTEM, ACTIVE. A solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

SOLAR SYSTEM, GRID-INTERCONNECTED. A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

SOLAR SYSTEM, OFF-GRID. A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes synonymous with "one hundred year floodplain."

SPECIAL INFILL HOUSING. Quality housing which may be suitable in development or redevelopment of parcels.

SPORT COURT. An outdoor play surface intended for use in sports. This term includes outdoor tennis courts, basketball courts, volleyball courts, and similar uses.

STANDARD. A preferred or desired level of quantity, quality, or value.

STATE LICENSED RESIDENTIAL FACILITY. A state-licensed and mandatory residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time.

STOREFRONT. The ground level frontage of a building in which there is located a single business directly behind the frontage. A building may have more than one storefront. The length of the storefront is measured from the outside edge of the exterior walls of the building, or if there are multiple storefronts located in a single building, from the centerline of the wall that separates the business from another business, public area, or other area not occupied by the subject business.

STORMWATER -

BEST MANAGEMENT PRACTICES (BMPs). Erosion and sediment control and water quality management practices that are effective and practical means of controlling, preventing and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing length of time soil areas are exposed, prohibitions, and other management practices

published by state or designated area-wide planning agencies. Individual BMPs applicable to this chapter are described in the current version of the following documents:

(1) Minnesota Storm Water Manual, 2005. Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155-4194; and

(2) Minnesota Urban Small Sites BMP Manual - Stormwater Best Management Practices for Cold Climates, 2001. Metropolitan Council Environmental Services, 230 East 5th Street, St. Paul, MN 55101.

STORMWATER DETENTION POND. Natural or created pond area that provides temporary storage of excess stormwater for the purpose of attenuating the peak rate of runoff by controlling the rate of pond discharge. Ponding areas that drain completely between storm events are dry detention ponds. Ponding areas that provide temporary storage in combination with a permanent wet pool are wet detention ponds.

STORMWATER MANAGEMENT PLAN. A plan for the permanent management and control of runoff prepared and implemented in accordance with the standards set forth in § 154.010.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan or document containing the requirements of § 154.010 for storm water discharge that when implemented will decrease soil erosion on a parcel of land and off-site sediment damages.

STORMWATER QUALITY POND. A created ponding area per W. W. Walker (1987) criteria that provides a permanent pool for the purpose of sediment and pollutant removal to reduce water quality impacts of urban development.

STORMWATER RETENTION POND. A natural or created ponding area that provides permanent storage of excess stormwater for the purpose of attenuating the peak volume of runoff, from which the only release of flow is by infiltration or evaporation.

STORMWATER RUNOFF. Water deposited by rain or other precipitation.

STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF. That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above floor of such story.

STREET (TYPES) -

ALLEY. A thoroughfare through the middle of a block giving access to the rear of lots or buildings.

ARTERIAL. A street, the principal function of which is to provide for through traffic and which is designed to carry large volumes of traffic.

CUL-DE-SAC. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

CUL-DE-SAC, TEMPORARY. A temporary turn around whose purpose is to allow the safe and convenient reversal of traffic, until such time that the street is extended.

EYEBROW. A local street with a partial paved circle, usually for the purpose of providing additional frontage to lots.

FRONTAGE. A public or private street intended for the collection of traffic that would otherwise directly access minor or major collectors or arterial roadways whose function is to provide access to streets of higher classification.

HIGHWAY. Any public way designated as a highway by an appropriate local, state or federal agency.

LOCAL COLLECTOR. A roadway whose primary function is to provide access to and from major collectors and local streets.

LOCAL STREET. A roadway with traffic volumes generally less than 2,500 vehicle trips per day containing one lane of traffic in each direction whose primary function is to provide access to and from property.

MAJOR COLLECTOR. A roadway that links residential and commercial uses with a balance between mobility and access and whose function is to provide traffic circulation within the city and access to and from minor and major arterials.

MINOR ARTERIAL. An interregional road containing one or two lanes in each direction with limited access and controlled intersections at other arterials and collector streets. Minor arterials convey traffic between towns, boroughs or other urban centers. Efficient movement is the primary function of a minor arterial road.

PEDESTRIAN WAY. A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and others.

PRINCIPAL ARTERIAL. A limited access interregional arterial route containing two or more lanes in each direction. They are designated exclusively for unrestricted movement, have no private access and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.

PRIVATE STREET. A street serving as vehicular access to two or more parcels of land which is not dedicated to the public and which is owned, maintained and repaired by one or more private parties.

TRAIL. A path with a surface used for travel.

STREET (ELEMENTS) -

SIDEWALK. The portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

STREET, RIGHT-OF-WAY. An area owned and maintained by government jurisdiction, for public street use.

STREET FURNITURE. Manmade objects, other than buildings, which are part of the streetscape. Examples include, but are not limited to, benches, litter containers, planting containers, sculptures, and bus shelters.

STREET PAVEMENT. The wearing or exposed asphaltic or cementitious surface materials and underlying aggregate base materials of the roadway used by vehicular traffic.

STREET WIDTH. The shortest distance between the edges of the traveled roadway if there is no curb, or between the faces of the curb with a minimum of 24 feet, subject to the City Engineer's discretion.

STREETSCAPE. The aesthetic appearance and nature of a street in a neighborhood created by elements such as architecture, graphics, and landscaping.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE. See 'Building or Structure'.

SUBDIVISION. A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than ten acres in area, for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel or land. The term includes resubdivision and, where appropriate to the context, relates either to the process of subdividing or to the land subdivided.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its previous condition before becoming damaged would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this chapter, "historic structure" shall be as defined in 44 CFR Part 59.1.

SUBSTATIONS. Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 KV for interconnection with high voltage transmission lines shall be located outside of the road right of way.

SURFACE WATER. All streams, lakes ponds, marshes, wetlands, reservoirs, spring, rivers, drainage systems, waterways, watercourses, and irrigation systems whether nature or artificial, public or private.

SURFACED. A road, driveway, approach or parking lot which consists of bituminous material, concrete or other similar material.

SWIMMING POOL. Any basin or tank, above ground level or below ground level, containing an artificial body of water sufficiently deep for swimming.

TERRACE. A level plane or surfaced patio, directly adjacent to the principal building on the surface of the land or on the roof of a building.

TOXIC AND HAZARDOUS WASTE. Waste materials including, but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

TRAFFIC SIGHT DISTANCE. A triangular area on a corner lot of intersecting streets which limits the placement of vegetation and other material which can obstruct the view to oncoming

traffic. The vertical area to be protected is from two and one-half feet above the grade of the street to seven feet above the grade of the street.

TRANSIENT MERCHANT. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty building for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 90 consecutive days. The location of transient merchants shall be regulated by the zoning regulations.

TRANSIT STATION. A building or structure used by persons changing transportation modes to or from transit; includes facilities where several transit routes converge, designed to accommodate several transit vehicles at once to permit transfer between transit routes. A transit station shall not include a transit stop.

TRANSMISSION LINE. Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

TRELLIS. A framework over which vines and plants may grow that is not a pergola. A freestanding trellis or a trellis attached to and supported by a building extending out from the building more than five feet shall be considered a fence.

USABLE OPEN SPACE. A required area on a lot which is graded, developed, landscaped and equipped, intended and maintained for active and/or passive recreation, available and accessible to and usable by all persons. Such area and improvements include: ground areas, terraces, balconies, decks, rooftops, outdoor swimming pools, outdoor seating areas, patio area, game area, landscaped and grassy areas, gardens, sculpture gardens, recreational facilities, pedestrian paths and trails or similar outdoor fixtures or features, and water. Public parks or plazas within 300 feet of the site may be used to meet this requirement.

USE. The purpose or activity for which the land or building thereon is intended, designated or arranged or for which it is occupied, utilized or maintained.

USE, ACCESSORY. A use subordinate to the principal use on a lot and used for purposes customarily incidental to those of the principle use.

USE, CONDITIONAL. A use that may be allowed in a particular zoning district and compatible with the district's character only if controlled through additional standards and discretionary review that ensures the appropriateness of a particular use at a particular location in the district.

USE, CONFORMING. Designates a use which satisfies all applicable requirements of this chapter as amended.

USE, INTERIM. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

USE, NON-CONFORMING. See 'Non-Conforming-- Use'.

USE, PERMITTED. A use which of itself conforms with the requirements, regulations and performance standards of the particular zoning district in which it is located, in addition to other regulations of this chapter.

USE, PRINCIPAL. The main use of land or structures, as distinguished from a subordinate or accessory use.

USE, SEXUALLY ORIENTED. See 'Adult Use'.

USE CATEGORY. A class of similar uses grouped together for purposes of delineating the uses permitted in a zone.

UTILITIES, MUNICIPAL. City facilities such as electrical, sanitary sewer, water and storm sewer designed and constructed to City and State Board of Health standards owned and operated by the city for the public use.

VACATION. The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

VARIANCE. A modification or variation from the literal provisions of the chapter where it is determined that their strict enforcement would cause practical difficulties to a specific piece of property. A variance shall not be granted allowing a use prohibited in the district in which the structure, use and lot are located.

VBWD. Valley Branch Watershed District.

WALL, RETAINING. A wall not laterally supported at the top, which resists lateral soil load and other imposed loads.

WATER BASIN. An enclosed natural depression with definable banks capable of containing water that may be partly filled with public waters.

WATER BODY. All surface waters, water basins, watercourse, and wetlands as defined in this Code.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WATERCOURSE. Any natural or improved stream, river, creek, ditch, channel, culvert, drain, gully, swale, or wash in which waters flow continuously or intermittently in a definite direction.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

WATERSHED. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

WELLHEAD PROTECTION PLAN. A document that provides for the protection of a public water supply, submitted to the Minnesota Department of Health, is implemented by the public water supplier, and complies with: A) the wellhead protection elements specified in the 1986 amendments to the Federal Safe Drinking Water Act, United States Code, Title 42, Chapter 6A, Subchapter XII, Part C, Section 300h-7 (1986 and as subsequently amended); and B) Minnesota Rules parts 4720.5200 to 4720.5290.

WETLAND. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, does

support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Any wetland as defined in M.S. § 103G.005, Subd. 19.

WETLAND CONSERVATION ACT (WCA). The Minnesota Wetland Conservation Act of 1991, as amended.

WHOLESALE ESTABLISHMENT. A business establishment engaged primarily in selling to retailers for resale.

WIND ENERGY-

BLADE. The extensions from the hub of a wind energy conversion system which are designed to catch the wind and turn the motor to generate electricity.

HEIGHT, TOTAL SYSTEM. The height above grade of the small wind energy system, including the generating unit and the highest vertical extension of any blades or rotors.

ROTOR. The wind energy conversion system blades and the hub to which they are attached.

ROTOR DIAMETER. The diameter of the circle described by the moving rotor blades.

SHADOW/FLICKER. The shadows cast from wind energy conversion system which generally occurs in close proximity to the wind energy conversion system, although this will vary depending on the time of year, latitude, and turbine height. Flicker effects can occur when the sun shines through the rotor blades at certain times of day and results in the temporary blocking of the sun's rays with each pass of a rotor blade.

SMALL WIND ENERGY CONVERSION SYSTEM, HORIZONTAL AXIS. A small wind energy system that has blades which rotate through a horizontal plane.

SMALL WIND ENERGY CONVERSION SYSTEM, VERTICAL AXIS. A small wind energy system that has blades which rotate through a vertical plane.

SMALL WIND ENERGY SYSTEM, BUILDING-MOUNTED. A small wind energy system which requires support by a building, and does not connect directly to the ground. A building mounted system is not a minor projection, as defined in Section 29.402.

SMALL WIND ENERGY SYSTEM, COLLOCATED. A small wind energy system that is mounted on a tower or pole structure which serves another primary purpose, such as a parking lot light or flagpole.

WAREHOUSING. A facility for the storage, packing, and crating of materials or equipment within an enclosed building or structure awaiting shipment to other premises.

WIND ENERGY CONVERSION SYSTEM (WECS). An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers, which operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

WIND ENERGY CONVERSION SYSTEM, COMMERCIAL. A wind energy conversion system greater than 40 kW in total name plate generating capacity and designed or operated to provide energy principally to consumers located off the premises and does not meet the requirements established for a non-commercial wind energy conversion system.

WIND ENERGY CONVERSION SYSTEM, FREESTANDING. A wind energy conversion system other than roof-mounted.

WIND ENERGY CONVERSION SYSTEM, NON-COMMERCIAL. A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics used primarily to reduce on-site consumption of utility power. A non-commercial wind energy conversion system shall not exceed a rated capacity of 40 kW in total name plate generating capacity.

WIND ENERGY SYSTEM (WES). An aggregation of parts including the foundation, base, tower, generator, rotor, blades and supports in such configuration as necessary to convert the power of wind into electrical energy primarily for on-site use (e.g., wind charger, windmill or wind turbine).

WIND ENERGY SYSTEM, INTERCONNECTED. A wind energy system which produces electric power and is capable of connecting with the utility's electric system or is otherwise capable of distributing surplus electricity to the public or other properties outside the control of the wind energy system's owner, even if the system is temporarily or automatically disconnected by a switch or other mechanical device.

WIND ENERGY SYSTEM, NON-ELECTRIC. A wind energy system which converts the power of the wind into a mechanical energy, which is not electrical, and may otherwise be of a decorative, ornamental or historical nature.

WIND TURBINE. A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

WIND TURBINE GENERATOR. The component of a WES that transforms mechanical energy from the wind into electrical energy.

YARD. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted by this chapter. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

YARD, CORNER SIDE. A yard located immediately adjacent to and extending along the corner side lot line between the front yard and the rear lot line.

YARD, FRONT. That portion of the yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to the depth required in the setback regulations for the zoning district in which such lot is located.

YARD, INTERIOR SIDE. A yard located immediately adjacent to and extending along another zoning lot or an alley between the front yard and the rear lot line.

YARD, LANDSCAPED. A front, side or rear yard that is required to be landscaped, as specified in this zoning ordinance.

YARD, REAR. That portion of the yard ~~on the same lot with the principal building~~ located between the rear line of the principal building and the rear lot line and extending the full width of the lot. (see FIGURE 10)

YARD, SIDE. That portion of the yard extending along the side lot line between the front yard and the rear yard to the depth or width required by the setback requirements of the zoning district in which such lot is located.

YARD SALE. The sale or offering for sale to the general public of over five items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building.

ZONING. A map-based system for guiding land-use development by dividing a city into land-use zones. An associated zoning code specifies the types of acceptable land uses, setbacks, lot sizes, and other restrictions for each zoning classifications and affects what an individual may legally do to develop and use parcels therein. It is the method by which jurisdictions control the manner in which areas develop.

ZONING ADMINISTRATOR. The duly appointed person charged with enforcement of this chapter.

ZONING DISTRICT. A mapped area or areas as defined by this chapter within which the regulations and requirements governing the use of property are uniform.

ZONING ORDINANCE. See 'Ordinance'.

ZERO LOT LINE. See 'Lot Line, Zero'.

(Ord. 739, passed 8-18-2015; Am. Ord. 750, passed 3- 15-2016; Am. Ord. 753, passed 7-19-2016; Am. Ord. 760, passed 12-20-2016; Am. Ord. 779, passed 2-19- 2019; Am. Ord. 783, passed 4-16-2019)

ADU, Cottage, Townhouse, and Two-Family Ordinances

Accessory Dwelling Units

DWELLING UNIT, ACCESSORY (ADU). Also known as a "granny flat," "mother-in-law apartment" or "carriage house" - is a self-contained living unit that can be located within the walls of an existing or newly constructed home, or that can be an addition to an existing home. It can also be a freestanding structure on the same lot as the main house or located within/attached to a detached garage.

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

2. Accessory dwelling unit.

(a) No more than one accessory dwelling unit may be located on a lot. **No accessory dwelling unit shall be located on an R-1 zoned lot containing a two-family dwelling.**

(b) The lot shall have a minimum area of 5,000 square feet.

(c) The lot shall have a minimum width of ~~60 feet~~ equal to the underlying zoning district requirement.

(d) An attached accessory dwelling unit shall be part of the ~~single-family~~ **principal** dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the ~~single-family~~ **principal** dwelling is considered attached. An attached accessory dwelling unit must meet the following:

- (i) The associated ~~single-family~~ **principal** dwelling unit must continue to meet minimum floor area requirements
- (ii) Minimum size of the Accessory Dwelling unit shall be 300 square feet with a maximum size of 900 square feet

(e) A detached accessory dwelling unit shall be located ~~only~~ within a freestanding structure or above a detached garage of the ~~single-family~~ **principal** dwelling on the same lot. The detached accessory dwelling unit area must not exceed 900 square feet.

(f) A detached accessory dwelling unit shall be setback a minimum of ten feet from side and rear property lines or up to an easement line, but not on it whichever is greater.

~~(g) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be determined by the Zoning Administrator.~~

~~— (h) The usable open space requirements for a detached accessory dwelling unit shall be 50% of the usable open space requirement in the district.~~

~~—— (i) The single-family dwelling on the lot shall be owner-occupied.~~

(~~h~~**g**) The entryway to the accessory dwelling unit shall be connected **by a paved route, to include driveways or sidewalks,** to a street frontage ~~with a paved walkway.~~

(~~h~~**h**) The accessory dwelling unit shall have a separate entrance from the ~~single-family~~ **principal** dwelling.

(i) Home Occupations. Type I home occupations are allowed within an accessory dwelling unit, subject to existing general provisions, provided the home occupation is incidental and secondary to the Accessory Dwelling unit. The home occupation within the ADU shall not be in addition to more than one home occupation within the principal dwelling. Type II home occupations are not allowed within accessory dwelling units.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Accessory Uses and Structures	R-1	R-2	R-3	Supplemental Regulations
Accessory Dwelling Unit	<u>P</u> G	<u>P</u> G	<u>P</u> G	X

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
Accessory Dwelling Unit Accessory Use	Accessory Dwelling Unit (ADU)	1 space <u>maximum</u> per dwelling unit

ALTERNATIVE NEIGHBORHOODS

Cottage Developments

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

Cottage Developments

(a) Density and Minimum Lot Area.

i. In Cottage Developments the permitted density shall be not exceed the density permitted in the underlying Zoning District.

ii.. The minimum total lot area for a Cottage Development shall be 0.5 acres.

iii. On a lot to be used for a Cottage Development, an existing detached single-family residential or two-family dwelling, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

(b) Height Limit and Roof Pitch.

i. The height limit permitted for structures in Cottage Developments shall be 18 feet.

ii. The ridge of pitched roofs with a minimum slope of six to 12 may extend up to 25 feet. All parts of the roof above 18 feet shall be pitched.

(c) Lot Coverage and Floor Area.

i. The maximum lot coverage permitted for principal and accessory structures in Cottage Development shall not exceed 40 percent.

ii. The first floor or main floor area for an individual principal structure in a Cottage Development shall be a minimum of 600 square feet and shall not exceed 1,000 square feet.

iii. The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or **1,000 975** square feet, whichever is less.

(d) Setbacks. The setbacks required in the underlying Zoning District shall apply from adjacent property lines along the perimeter of the Cottage Development site to structures, but not internally within the site.

(e) Required Open Space. At least 50 percent of the cottage unit shall abut the common open space, all of the cottage units shall be within 60 feet walking distance of the common open space, and the common open space shall have cottages abutting at least two sides.

(f) Parking Location. Parking shall be on the Cottage Development property and may be in or under a structure or outside a structure; provided, that:

i. The parking is screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping.

ii. Parking between structures is only allowed when it is located toward the rear of the principal structure and is served by an alley or private driveway.

iii. Parking may not be located in the front yard.

iv. Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line, which is not a street side lot line.

(g) Porches. Each unit in the Cottage Development shall have a front porch at least 80 square feet in size, and facing a street or common open space.

§ 154.010 GENERAL REGULATIONS. (B) Usable open space.

1. Residential.

(e) Cottage Developments. 25 percent of the site within a minimum of one contiguous area at least 3,000 square feet in size is required.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Residential - Family Living	R-1	R-2	R-3	Supplemental Regulations
<u>Cottage Development</u>		<u>P</u>	<u>P</u>	<u>X</u>

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
<u>Cottage Development</u> <u>Residential- Family Living</u>	Single Family Dwelling Unit Multifamily Dwelling Unit	<u>1.25 per dwelling unit</u>

Special Infill Housing

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

41. *Special infill housing.*

(a) The parcel must be within 10% of meeting the conventional minimum lot width and lot area of the zoning district.

(b) The first floor or main floor area for a proposed house shall be a minimum of 600 square feet.

~~(b)~~ Proposed houses must be of quality design, utilize high quality materials and are governed by a superior development plan with respect to design, orientation and location of the house and any accessory garages and building, the location of the driveway, required parking, landscaping, accessory buildings, if any, and other factors and features relevant to the site development and adjacent property.

~~(c)~~ Due regard has been given to adjacent property.

Accessory Dwelling Unit

Note: in Bloomington, where two family uses are permitted in R-1, ADUs are also permitted.

TOWNHOUSE AMENDMENTS

§ 154.010 GENERAL REGULATIONS (E) Architectural requirements.

4. *Architectural control.* In all districts, buildings and structures must comply with the following:

(b) Two-family dwelling.... (See Two-family Ordinance)

(b c) ~~Two-family dwelling,~~ Townhouse dwelling and modular housing.

i. Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.

~~ii. Number of units. There shall be no more than five townhouse units attached in any one group or building. For unique designs involving special circumstances, a greater number may be allowed, provided views, windows (in at least three directions for each unit), privacy and line of sight are preserved in the design.~~

iii. Variation of exterior walls. No more than two adjacent townhouse units may have front facades in the same vertical plane. Where a variation in front façade plane is required, the variation shall be a minimum of three feet. For purposes of this section adjacent townhouse units refer to those physically attached or units located within 15 feet, if not physically attached. ~~Modulation, length. The building and units shall be modulated to provide interest.~~

iv. Design features. At least two of the following design features shall be provided for visual relief along all facades of each townhome structure:

(a) Roof dormers;

(b) Gables;

(c) Recessed entries;

(d) Covered porches;

(e) Bay windows;

(f) Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);

(g) Recesses/shadow lines. ~~Diversity. Townhouse groupings shall provide diversity in terms of size, type and building orientation and form.~~

v. ii. Garage frontage. Townhouse dwelling unit garage doors facing a public or private street are limited to 40% of the structure width facing the same street.

vi. Equipment. All building equipment shall be hidden from view. Building vents and chimneys shall consist of similar materials to the building roof and the sides of the building.

§ 154.010 GENERAL REGULATIONS. (B) Usable open space.

1. Residential.

(d) Townhouse. Each lot shall contain at least ~~500 square feet~~ 25 percent of usable open space ~~for each unit~~.

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

45. Townhouse dwelling.

(a) Access. Each townhouse unit shall have direct vehicle access from the garage and driveway to a public road or to an improved private road meeting the requirements of the city.

(b) Drainage. Drainage shall be provided as required consistent with the city and Watershed District requirements. Any required NURP ponds shall be integrated into the overall plan and proper easement and maintenance agreements shall be provided.

(c) Projecting air conditioning and heating units. Air conditioning or heating units shall not project through exterior walls or windows unless located behind a balcony and screened from view as viewed from public and private streets, or internal circulation driveways in developments with multiple buildings.

~~(d) Transformers. If located outside, shall be screened from view.~~

~~(d)(e)~~ Utilities. Building utility services and structures such as meters, transformers, refuse containers, including dumpsters, ancillary equipment and the like shall be either located inside the principal building, inside an accessory building, or, where allowed, be outside and entirely screened from off-site views. For new buildings, all utilities shall be underground.

~~(e)(f)~~ Density. Townhouses within the Mixed-Use Districts shall be developed in accordance with the density as guided by the Comprehensive Plan.

§ 154.010 GENERAL REGULATIONS (F) Landscaping and screening.

3. *Tree requirements.*

(a) Number of trees. Trees must be planted within the property lines and in a location as not to interfere with sight line visibility at maturity. Trees shall not be planted in drainage and utility easements. The minimum number of trees of any given site shall be as follows:

ii. Townhouse and multiple family uses. Residential structures containing two or more units shall contain as a minimum: one tree per dwelling unit.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Residential - Family Living	R-1	R-2	R-3	Supplemental Regulations
Townhouse Dwelling		P	P	X

§ 154.007 Mixed-Use Districts. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 6. Mixed Use Districts

Residential - Family Living	MU-1	MU-2	MU-3	Supplemental Regulations
Townhouse Dwelling	<u>P</u>	<u>P</u>	P	X

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 4. Design requirements.

Table 5. Residential Districts Design Requirements

District	Maximum Height	Lot Coverage	Density	Minimum Livable Floor Space per unit	Limit of Surfacing in Front Yard
R-1 Single Family Residential District	Two (2) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft.	40%	Low (3 - 5.5 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. <u>Two Family:</u> <u>900 sq. Ft.</u>	40%

R-2 Mixed Residential District	Senior Housing: Three (3) stories or 35 ft. in height. Accessory Building: 15 ft. except for Accessory Dwelling Unit, then 20 ft.	50%	Medium (5.6 - 7.3 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. Two Family: 900 sq. Ft. <u>Townhome: 900 sq. Ft.</u>
R-3 Multiple Family Residential District	Three (3) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft. Separate height restrictions exist for accessory buildings.		High (7.4 - 22 units/acre)	Multiple Family: Efficiency Unit: 400 sq. ft. One Bedroom: 550 sq. ft. Two Bedroom: 700 sq. ft. Three Bedroom: 850 sq. ft. Four Bedroom: 1000 sq. ft. Two Family: 900 sq. Ft. <u>Townhome: 900 sq. Ft.</u>

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
Townhouse Dwelling Residential- Family Living	Single Family Dwelling Unit Multifamily Dwelling Unit	2 per dwelling unit

TWO-FAMILY DWELLINGS

§ 154.010 GENERAL REGULATIONS (E) Architectural requirements.

4. *Architectural control.* In all districts, buildings and structures must comply with the following:

(a) Single-family dwelling.

i. Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.

(b) Two-family dwelling.

i. Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.

ii. Garage frontage. Two-family dwelling garage doors facing a public or private street **are** limited to 40% of the structure width facing the same street.

iii. When a two-family dwelling is on a corner lot adjacent to two local streets as classified by the Comprehensive Plan, the garage for each unit must face a separate street.

(b c) ~~Two-family dwelling~~, Townhouse dwelling and modular housing. (See Townhouse Ordinance)

NOTE: Existing (b) through (e) will be renumbered to reflect proposed subdivision (b).

§ 154.010 GENERAL REGULATIONS (D) Supplemental regulations

46. Two-Family dwelling.

(a) Because groupings of two-family dwellings have higher levels of neighborhood impact than stand alone, infill two-family dwellings, approval of groupings of two-family dwellings warrants a higher level of review and discretion. Plans for groupings of two-family dwellings within the R-1 District may only be approved when a planned unit development overlay zoning district has first been approved by the City Council. Two-family dwellings qualify as a grouping when the parcel on which a two-family dwelling is proposed within 500 feet of a parcel occupied by an existing or proposed two-family dwelling, measured along existing or proposed public streets.

(b) Attachment required. The two units in a two-family dwelling must have a common wall of at least ten feet in length or be oriented in an over/under relationship.

NOTE: Existing (46) through (50) will be renumbered to reflect proposed subdivision (46).

§ 154.010 GENERAL REGULATIONS (F) Landscaping and screening.

3. *Tree requirements.*

(a) Number of trees. Trees must be planted within the property lines and in a location as not to interfere with sight line visibility at maturity. The minimum number of trees of any given site shall be as follows:

- i. Single- and two-family uses. A minimum of one tree per parcel.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Residential - Family Living	R-1	R-2	R-3	Supplemental Regulations
Two Family Dwelling	<u>P</u>	P	P	<u>X</u>

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 4. Design requirements.

Table 5. Residential Districts Design Requirements

District	Maximum Height	Lot Coverage	Density	Minimum Livable Floor Space	Limit of Surfacing in Front Yard
R-1 Single Family Residential District	Two (2) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft.	40%	Low (3 - 5.5 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. <u>Two Family: 900 sq. ft. per unit</u>	40%

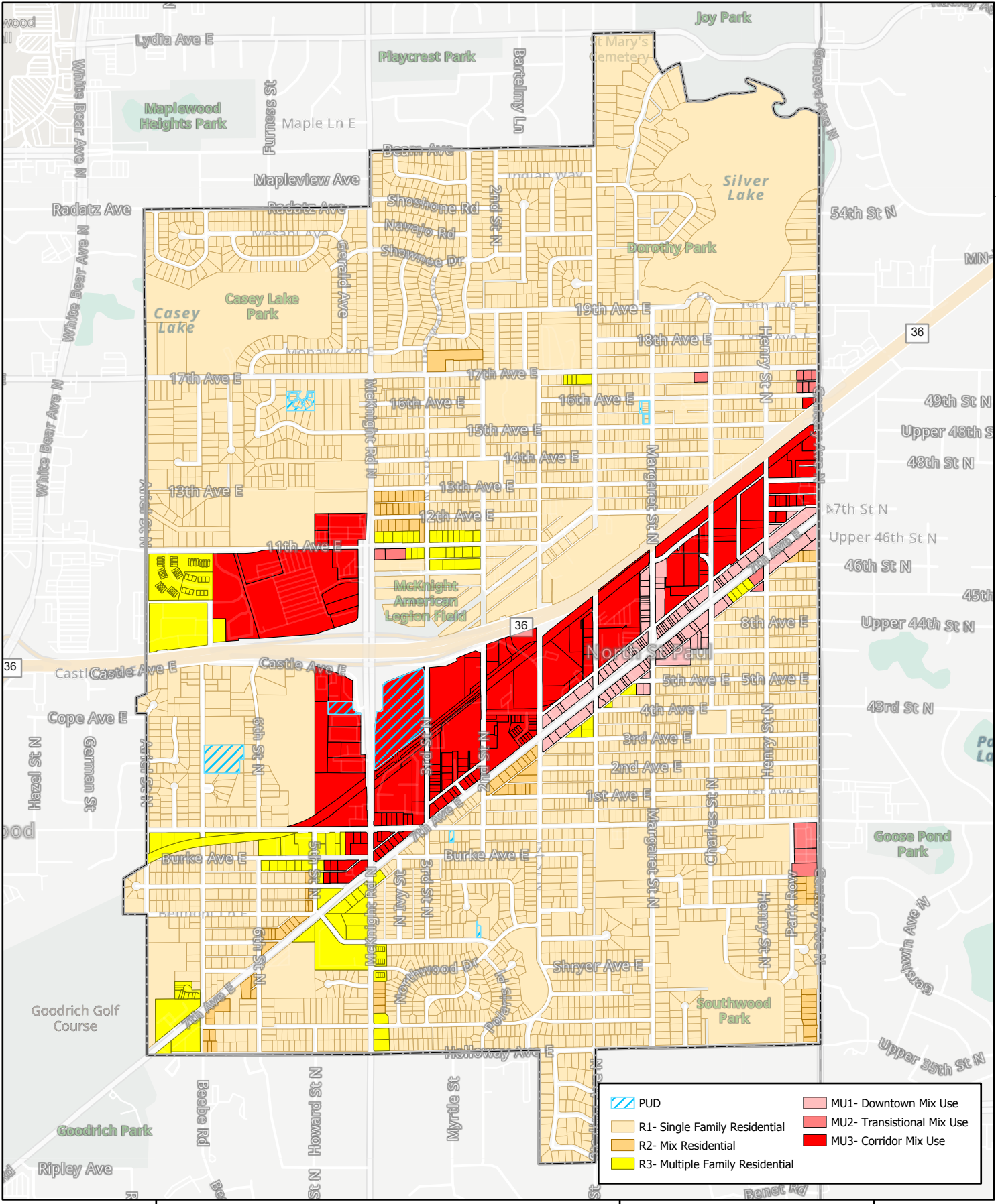
R-2 Mixed Residential District	Senior Housing: Three (3) stories or 35 ft. in height. Accessory Building: 15 ft. except for Accessory Dwelling Unit, then 20 ft.	50%	Medium (5.6 - 7.3 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. Two Family: 900 sq. Ft. <u>Townhome:</u> <u>900 sq ft.</u>
R-3 Multiple Family Residential District	Three (3) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft. Separate height restrictions exist for accessory buildings.		High (7.4 - 22 units/acre)	Multiple Family: Efficiency Unit: 400 sq. ft. One Bedroom: 550 sq. ft. Two Bedroom: 700 sq. ft. Three Bedroom: 850 sq. ft. Four Bedroom: 1000 sq. ft. Two Family: 900 sq. Ft. <u>Townhome:</u> <u>900 sq. Ft.</u>

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

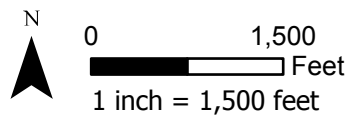
Table 8. Off-Street Parking and Loading Requirements

Residential		
Two Family Dwelling Residential- Family Living	Single Family Dwelling Unit Multifamily Dwelling Unit	2 per dwelling unit

Planned Unit Developments



PUD Locations
City of North St. Paul



Planned Unit Development Changes

Zoning District Table

Residential Districts	District Name	Purpose
R-1	Single Family Residential	Low Density Residential
R-2	Mixed Residential	Medium Density Residential
R-3	Multiple Family Residential	High Density Residential
Mixed-Use Districts		
MU-1	Downtown Mixed-Use	Small-scale mixed-use
MU-2	Transitional Mixed-Use	Medium-scale mixed-use
MU-3	Corridor Mixed-Use	Higher intensity mixed-use and smaller-scale industrial
Overlay Districts		
D-1	Downtown District Overlay	Dense residential on edges, compressed downtown core
S-1	Shoreland Overlay	Protect the quality of surface waters
Special Districts		
LID	Low-Impact Development	Conservations, open space, sustainability
PUD	Planned Unit Development	Integrated, coordinated development that provides public benefits in exchange for ordinance flexibility
Floodplain Districts		
F-1	Floodway District	Provides additional floodplain regulations
F-2	Flood Fringe District	Provides additional floodplain regulations
F-3	General Floodplain District	Provides additional floodplain regulations
F-4	Flood Storage District	Provides additional floodplain regulations

-(C)-Planned Unit Development District (PUD).

1. Purpose. Planned Unit Developments (or PUDs) are allowed to encourage innovation in project design that cannot be achieved through traditional zoning. More specifically, This district is established to:
 - (a) Provide for development as an integrated, coordinated unit as opposed to a traditional parcel-by-parcel, approach to development.
 - (b) Introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities.
 - (c) ~~Planned unit developments (PUD's) are to b~~Enable development that is e characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses.
 - (d) Provide flexibility from ordinance requirements and joint planning between the city and developer to protect other features such as existing development, planned streets, vegetation, slopes, wetlands, lakes or streams.
 - (e) Permit and promote greater flexibility to allow more creativity and imaginative design, and to pPromote more efficient uses of the land while preserving existing landscape amenities and allowing harmonious development consistent with the Comprehensive Plan and preserving the health, safety and general welfare of the community.
2. Objectives. ~~The PUD~~It is intended to encourage the efficient use of land and resources, to promote greater efficiency in public utility services and encourage innovation in the planning and building of all types of development. Public benefits to be derived as a result of the PUD include, but are not limited to:
 - ~~(a) Permit and promote greater flexibility to allow more creativity and imaginative design, and to promote more efficient uses of the land while preserving existing landscape amenities and allowing harmonious development consistent with the Comprehensive Plan and preserving the health, safety and general welfare of the community.~~
 - (a) Harmonious mix of land uses, building types, open spaces, and circulation elements
 - (b) Ensure cConcentration of open space into more usable areas, and the
 - ~~(b)(c) pPreservation~~e of the natural resources of the site including wetlands, woodlands, steep slopes and scenic areas.
 - ~~(c)(d)~~Facilitate the economical provision of streets and public utilities.
 - ~~(d)(e) Encourage the pPreservation~~and enhance ment of historic and natural resources ~~while creating a positive environment with special development features.~~
 - ~~(e)(f)~~Allow more than one principal building on a lot.

- ~~(f)~~(g) Allow for a Provision of a mixture of residential unit types and densities in an integrated and well-planned area, ~~and provide for creating~~ a variety of housing types, consistent with the city's housing goals.
- ~~(g)~~(h) Promote energy conservation through the use of more efficient building designs, sites and clustering of land uses and buildings.
- ~~(h) Provide for mixed commercial and residential uses, where appropriate.~~
- ~~3. Types of permitted planned unit developments. The underlying zoning district shall be consistent with the Comprehensive Plan. PUD overlay districts may be one of the following:~~
- ~~— (a) Planned Residential District (PRD)~~
 - ~~— (b) Planned Commercial District (PCD)~~
 - ~~— (c) Planned Industrial District (PID)~~
 - ~~— (d) Planned Mixed Use District (PMD)~~
- ~~43. —~~ General requirements and standards.-
- ~~(a) —~~ (a) Eligibility. A site is eligible for PUD designation only if it meets at least one of the following:
- 1. has two or more principal uses or structures on a single parcel of land; this may include a mixture of townhouses, apartment projects involving more than one building, detached residential structures, or non-residential buildings
 - 2. multi-use structures such as commercial uses in industrial-type developments, mixed residential and commercial developments, and more than one principal use in a single building
- (b) Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approval of the final plat shall be binding on all owners. In absence of an ownership application, the project developer may submit with the development application the written consent of all property owners within the proposed PUD. The financial commitments incurred through any portion of the development shall be the responsibility of the owner.
- ~~(b)~~(c) — Consistency with Comprehensive Plan. The proposed PUD shall be consistent with the Comprehensive Plan.
- ~~(d)~~(e) — Permitted uses. All permitted, conditional, and interim uses contained in the underlying zoning district shall be treated as permitted, conditional, and interim uses in the PUD Overlay District.
- ~~(e) —~~ Flexibility from Ordinance Requirements. The city may, but shall not be required to, provide concessions in setbacks, density, lot size, street width or parking to achieve the purpose and objectives of the PUD in (C) (1 and 2) herein.

~~(ed)~~ —Density. In a PUD, the City may permit increased density beyond the maximums provided in Table 4, if certain public benefits are achieved. shall be permitted to encourage the preservation of natural topography and geological features. The city may, but shall not be required to, provide concessions in setbacks, density, or lot size to protect waterways or water bodies, steep slopes or other areas which would normally not be developable. The City will consider allowing an increase in the allowable density upon proof by the applicant that some of the following ~~features~~ are being provided as part of the proposed development:

- ~~i.~~ —Increased Ppreservation of natural site features, topography, geological features, wetlands, lowlands, wooded areas, and the like, beyond what is required protected by the Minnesota Department of Natural Resources, by the City and/or Ramsey County ordinances.
- ~~ii.~~ —Creation of conservation easements due to steep slopes, wooded areas and/or environmentally sensitive areas, as identified in the Comprehensive Plan.
- ~~iii.~~ —Creation of park/public areas for active and passive park uses beyond required standards or other public purposes such as schools, public buildings, greenways, and the like which meet the intent of the Park and Recreation goals of the Comprehensive Plan and are consistent with the public dedication requirements for the proposed development.
- ~~iv.~~ —Installation of public improvements designed to serve areas beyond the project boundary.
- ~~v.~~ —The city may consider increased density for housing projects which provide affordable housing options, consistent with the Comprehensive Plan.

~~(ef)~~ —Minimum lot size~~Development Density~~. The minimum lot size requirements of other sections of this chapter do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as a guideline to determine the maximum dwelling unit density of a total development. The maximum dwelling unit density shall be determined by the area remaining after appropriate space for street right-of-ways and any other public dedications have been determined and subtracted from the total PUD area. If the property involved in the PUD includes land in more than one zoning district, the number of dwelling units or the square footage of commercial, residential or industrial uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts or as guided by the Comprehensive plan. In the Shoreland Overlay District total development density shall be that of the underlying zone.

~~(fg)~~ —Relationship of PUD site to adjacent areas. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on

adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.

- (gh)___—Utility requirements. Utilities, including telephone and electrical systems, installed within a PUD shall be placed underground. Utility appurtenances which can be effectively screened may be exempt from this requirement if the city finds that such exemption will be consistent with the objective of this section and the character of the proposed PUD.
- (hi)___—Parking. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required in the underlying zoning district unless the developer can demonstrate, to the City's satisfaction, that a lesser standard should be permitted on the grounds of one or more of the following:
 - i. The complementarity of peak parking demands by the uses within the PUD. The City may require execution of a restrictive covenant limiting future use of the property to those uses which will continue this parking complementarity, or which are otherwise approved by the City.
 - ii. Shared parking provided through a nonexclusive agreement with the owners of property located within 600 feet of the use if the parking demands of the uses do not coincide.
 - iii. Proximity to mass transit. A 10% reduction may be awarded if building entrances are located within 300 feet of a transit stop. An additional reduction may be granted if an adequate sheltered transit stop within the development is provided.
 - iv. Car-ownership characteristics of the anticipated or targeted residential population.
- (ij)___—Street width. Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the planned unit development. The Planning Commission, City Engineer and city's Emergency Services (Fire, Ambulance and Police) shall review each planned unit development to determine street width requirements.
- (jk)___—Landscaping. In any PUD, the developer shall prepare and submit a landscaping plan as a part of the Final Plan, which shall include a detailed planting list with sizes and species indicated to be approved by the City Council. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

- ~~(k)~~ —Public services. The proposed project shall be served by the city water and sewer system and fire hydrants shall be installed at such locations as required by the City Engineer or the Fire Chief to provide fire protection.
- ~~(lm)~~ —Building height. Height limitations shall be the same as imposed in the respective underlying zoning districts.
- ~~(mn)~~ —Development agreement. Prior to the issuance of a building permit as part of the PUD, the permit applicant, builder, or developer shall execute and deliver to the City Council a development agreement for the PUD.
- ~~(no)~~ —Open space. Common open space shall be either held in common ownership by all owners in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.
- ~~54.~~ —Operating and maintenance requirements for PUD common open space and service facilities.
- (a) Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.
- (b) Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following or may include a method deemed most appropriate by the City Council.
- i. Landlord control, where only use by tenants is anticipated.
- ii. Property owners association, provided all of the following conditions are met:
- A. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in M.S. § 515.00, as may be amended from time to time, shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the Ramsey County's Recorder's Office.
- B. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
- C. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation may be formed, and if such

an association or corporation is formed property owners must be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.

- D. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the city, or fails to pay taxes or assessments on properties as they become due, and in the event the city incurs any expenses not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
- E. Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it. This requirement may be waived by the City Council for existing units which are being incorporated into a PUD.
- F. The open space restrictions must be permanent and not for a given period of years.
- G. Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.
- H. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan. If a final PUD plan is filed in one phase, with staged final plats, the bylaws, rules of the association and all covenants and restrictions may be filed with the final plat.
- I. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.

~~65.~~ 65. PUD process.

- ~~(a)~~ (a) Pre-application meeting. ~~Upon filing of an application for a PUD, the~~
~~a~~Applicant of ~~the~~a proposed PUD ~~shall be encouraged to~~ arrange for and attend an informational meeting with city staff. At such conference, the

applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this Code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.

- (b) Concept PUD plan. At their option, owners of property in the PUD District may, at their option, Prior to Preliminary PUD application, owners of property in the PUD District may at their option prepare, development sketch plans for review by the city development sketch plans. As far as may be practicable on the basis of a sketch plan, the city will informally advise the owner as promptly as possible of the extent to which the proposed plan conforms to the design standards of this section and discuss possible plan modifications necessary to secure conformance. The sketch may be reviewed, where applicable, by the Planning Commission and the Council. Such sketch plans submitted shall be for informal discussion between the developer and the city. Submission of sketch plan shall not constitute formal filing of an application.
- (c) Recommended Neighborhood Meeting. The applicant is strongly encouraged to hold a neighborhood meeting. Property owners within 500 feet of the PUD, or a larger area as determined by the City, should be given notice of the meeting. The purpose of the meeting is to inform the neighborhood of the proposal, discuss the concepts and basis for the plan being developed, and to obtain information and suggestions from the neighborhood.

~~—(bd)—~~ Preliminary PUD plan process:

- i. The developer/owner shall submit an application for subdivision or preliminary PUD plan at least 30 days prior to the Planning Commission meeting.
- ii. The Zoning Administrator shall review the preliminary application and distribute to appropriate staff and consultants for review. The Zoning Administrator shall post notice of a public hearing and forward all comments, along with the application, to the Planning Commission.
- iii. The Planning Commission shall conduct a public hearing, following published notice and mailed notice to property owners within 350 feet of the proposed PUD. Notice shall occur not less than ten or more than 30 days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the preliminary PUD plan and submit a written report and recommendation to the City Council. ~~If the Planning Commission fails to make a report within 30 days after receipt of the application, the City Council may proceed without the report.~~ Such report shall contain the findings and recommendations of the Planning Commission ~~with respect to the conformity of the preliminary PUD plan to the approved general concept~~

~~plan, with respect to the merit or lack of merit of any departure of the preliminary PUD plan from substantial conformity with the general concept plan, and~~ with respect to the compliance of the preliminary PUD plan with the provisions of this Code and all other applicable federal, state, and local codes and ordinances, and the Comprehensive Plan or other relevant plans.

- iv. Within 60 days of the receipt of a complete application, the City Council ~~will~~ may take action to grant approval, grant conditional approval, or deny approval of the plan. The City may extend the review period by up to 60 days if it provides the applicant written notice of and reasons for the extension before the end of the initial 60 days
- v. Upon City Council approval, the City Attorney shall draft a PUD development agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Manager, and the applicant.
- ~~vi.~~ Where the preliminary PUD plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions. A certified copy of the document evidencing said City Council action shall be delivered to the applicant.
- ~~vi.~~ Limitation on preliminary PUD Plan approval. Unless a final plan covering the area designated in the first stage of the preliminary PUD plan has been filed within six months from the date the City Council grants preliminary PUD plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this section and/or an approved preliminary PUD plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one additional period of six months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where the preliminary PUD plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the preliminary PUD plan approval for that portion of the PUD that has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.
- vii.
- viii. Review and evaluation criteria. The evaluation of the proposed preliminary PUD plan shall include, but not be limited to, the following criteria:
 - A. Adequate property control is provided to protect the individual owner's rights and property values and the public responsibility for maintenance and upkeep.
 - B. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the general public.
 - C. A sufficient amount of usable open space is provided.

- D. The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.
- E. The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the preliminary PUD plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.
- F. The drainage and utility system plans are submitted to the City Engineer and shall be subject to approval of the City Engineer.
- G. The development schedule insures a logical development of the site which will protect the public interest and conserve land.
- H. Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
- J. ~~I.~~ The Preliminary PUD is consistent with the goals and objectives of the Comprehensive plan and any applicable plan.
- ~~J.~~ K. Whether the proposed PUD is consistent with the purpose and objectives of (C) (1 and 2) herein.

~~(ee)~~ Final PUD plan process. The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the PUD.

~~i.~~ Submission of the final plan. Upon approval of the preliminary PUD plan, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by the final plan stage, for the entire PUD or for one or more stages. The final plan is intended only to add detail to, and to put in final form, the information contained in the general concept plan and the preliminary PUD plan which shall conform to the preliminary PUD plan in all respects. A final plan of a single-phase proposed development or a portion of ~~the~~ a multiple phase proposed development may be submitted simultaneously with the overall preliminary plan for purposes of expediting the review process.

~~i.~~

~~ii.~~

~~iii.~~ ii. Review and approval of final plan. The Zoning Administrator shall forward comments of staff and consultants to the Planning Commission, who shall prepare a recommendation for the City Council. No public hearing shall be

required for approval of the final plan. The City Council may approve the PUD final plan with a majority vote.

- ~~iv.~~ Recording of final plat and PUD agreement. Within ~~30~~180 days of the Zoning Administrator's notice of approval, the applicant shall record the final plat and PUD agreement, or such portions thereof as are appropriate, with the Office of the Ramsey County Recorder.

~~v.~~

~~iii.~~

- ~~vi.~~iv. Building and other permits. No building permit shall be granted on land for which a plan for a PUD is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plat and agreement has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant if the following conditions are met:

- A. Public open space, if applicable, has been deeded to the city and officially recorded.
- B. A development agreement has been approved and executed by all parties.
- C. The homeowner's association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Attorney and officially recorded.
- D. The construction plans for proposed structures have been approved by the Building Official.
- E. All detailed site plans have been approved by the Zoning Administrator.

- v. Limitation of final plan approval. Within one year after the approval of a final plan for PUD, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted as hereinafter provided, automatically renders void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

~~76.~~ PUD data requirements.

- (a) ~~Pre-application c~~Concept PUD plan. Prior to ~~the initiation of a zoning change~~Preliminary PUD application, owners of property in the PUD District are invited to prepare, for review by the city, development sketch plans. Items to be supplied by the applicant ~~for the pre-application meeting~~ include:

- i. Overall maximum PUD density range.
- ii. Proposed general development and use.
- iii. General location of major streets, pedestrian walkways adjacent to the tract, and scale and tract boundaries and north point.
- iv. General location and extent of public and/or common open space, areas to be preserved, significant topographical and physical features.
- v. Sketch illustrating the general location of residential and non-residential land uses with approximate intensities of development and any zoning change requested.
- vi. Staging and timetable of development.
- vii. Other special criteria for development.

~~—viii. Such sketch plans submitted shall be for informal discussion between the developer and the city. Submission of sketch plan shall not constitute formal filing of an application.~~

~~—ix. As far as may be practicable on the basis of a sketch plan, the city will informally advise the owner as promptly as possible of the extent to which the proposed plan conforms to the design standards of this section and discuss possible plan modifications necessary to secure conformance. The sketch may be reviewed, where applicable, by the Planning Commission and the Council.~~

~~—x. The proposed use(s) must be consistent with the Comprehensive Plan.~~

~~—xi. All proposals shall include a PUD plan for the site.~~

(b) Preliminary PUD plan. An application for approval of a preliminary PUD plan shall be filed with the Zoning Administrator by the owner(s) of title of property for which the PUD is proposed. A filing fee, as established from time to time by City Council ordinance, shall accompany the preliminary PUD application. The application and accompanying statements shall be submitted and shall include:

- i. A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, easements, existing zoning, graphic scale, north point, date of preparation, and such other items as the Planning Commission may require to show the relationship of the proposed PUD to the Comprehensive Plan of the city, to existing schools and other community facilities and services, and to the surrounding area.

- ii. Abstractor's certified copy property certificate providing names and addresses of property owners within 350 feet of the outer boundaries of the property (one copy).

- iii. The legal description of the property and lot size.

- iv. Boundary survey prepared by a registered surveyor, including the property and 200 beyond, which illustrates:

- A. Existing property lines and dimensions.
- B. Ownership of all parcels.
- C. Platting and easements.
- D. Street and railroad right-of-ways.
- E. Buildings.
- F. Utility lines and facilities.
- G. Public park and open space.

- H. Private land use, subdivisions, and private property.
- v. Natural features map(s) illustrating:
 - A. Contour lines at no more than two foot intervals.
 - B. Steep slopes of 18% or more.
 - C. Hydraulic information including drainage patterns, delineated wetlands and land subject to periodic flooding, floodplain, watercourses.
 - D. Soil and subsoil conditions.
 - E. Vegetation including classification of tree cover by species.
- vi. A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system or preliminary plat, if applicable.
- vii. A written statement explaining in detail, and with supporting documentation, the specifics of the development plan as it relates to the type of dwelling units proposed and the resulting population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created.
- viii. The proposed schedule and/or phasing for the development of the site.
- ix. The location, shape, size, and character of public or private/common open space which is suitable for the PUD, in accordance with the City Code Chapter 153 requirements for park and open space dedication.
- x. The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.
- xi. Landscape plan including a detailed planting list.
- xii. Size and location of all street right-of-ways and proposed paved widths, and vehicular and pedestrian circulation, in conformance with the City Code Chapter 153.
- xiii. A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUD's.
- xiv. Financial capacity of the developer/owner and fiscal resources available including a FDIC insured letter of credit for 110% of the estimated cost of public improvements associated with the development.
- xv. Market area of the project and demand trends within the area.
- xvi. Other materials as requested by the Planning Commission or City Council.
- (c) Final plan data requirements. A final application and its supporting documentation shall give the same information as is required of plats under City Code Chapter 153 in addition to such other information as required by this chapter and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:
 - i. The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage and floor area, for proposed building, and existing buildings which will remain, if any.

ii. The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle, pedestrian walkways, and the total site coverage of all circulation elements.

iii. Approximate area, and potential floor area, devoted to commercial or office uses.

iv. Approximate area, and potential floor area, devoted to industrial uses.

v. Schedule of construction. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season (time period between road restrictions), a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

vi. Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the preliminary PUD plan stage.

vii. Where applicable, a preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with M.S. § 505.00 and City Code Chapter 153, as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located, and all dimensions are correct, and a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.

viii. Detailed utility and infrastructure construction plans, grading plan and drainage plan, approved by the City Engineer.

ix. A statement summarizing all changes which have been made to any document, plan data, or information previously submitted, together with revised copies of any such document, plan or data.

x. Such other and further information as the Zoning Administrator, City Engineer, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

xi. Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Attorney for review.

xii. The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

78. Amendments and administration.

(a) Generally. Amendments may be made in the approved final plan when they have shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the city.

(b) Minor changes ~~in location, siting, design, and height of buildings and structures~~ may be authorized by the Zoning Administrator if requested, and if caused by unforeseen circumstances and if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than 10% than originally proposed in the preliminary PUD plan. Minor changes are:

- i. Less than a ten (10) percent change in the approved separation of buildings or location in relation to streets or other property lines;
- ii. Change in the design of ten (10) percent or less of any building elevation;
- iii. Less than a ten (10) percent change in building height;
- iv. Modification to parking lot configuration provided no reduction in the number of stalls;
- v. Engineering details or stormwater functions that do not affect the layout of the site;
or
- ~~i-vi.~~ landscaping changes in plant type

(c) All other changes, including but not limited to use, rearrangement of lots, blocks and open space must be ~~authorized~~ reviewed and approved by the Planning Commission and City Council under procedures

outlined in the preliminary PUD plan, following a public hearing, with amendments to the recorded copy of the final plan, following Council approval. ~~It could leave questions later on that it wasn't listed in the ordinance.~~

(d) Annual review. Revocation ~~Revocation~~. ~~The Zoning Administrator shall review each PUD at least once each year and shall make a report through the Planning Commission to the City Council on the status of the development in each PUD Overlay District. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the City Council finds that the development has not occurred according to the establishing development schedule or is not otherwise reasonable in the view of the City Council, the City Council may revoke the PUD Overlay District~~ in any event.

Parking Ordinance

Proposed Changes to Parking Ordinance Language

~~**MOTOR VEHICLE, LARGE.** Motor vehicles including but not limited to trucks, recreational vehicles, buses, boats attached to trailers, heavy equipment, and similar size vehicles which exceed eighteen (18) feet in length. AND/OR~~

[Existing definition] DRIVE/DRIVEWAY. A permanent, durable surface designed to provide vehicular access from a street to a lot or to provide vehicular access between different parts of a lot or parking area. A drive that is internal to a parking area is not the same as an aisle. For a detached home, duplex or townhome, the driveway serves as all or part of the front yard parking space.

[Existing definition] PARKING SPACE. A suitably surfaced and permanently maintained area, either within or outside a building, of sufficient size to store one standard automobile exclusive of any driveway or other circulation area, accessible from a street, alley, or maneuvering area

TRAILER, WEIGHTED. A trailer required by the State of Minnesota to be registered at over 3,000 pounds gross vehicle weight, that are not a recreational trailer or towed as a tractor-semi trailer combination.

VEHICLE, COMMERCIAL. Any motor vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise in the furtherance of any commercial enterprise and similar vehicles not ordinarily used for personal transportation having a gross weight of more than 10,000 pounds and/or exceeding eighteen (18) feet in length

VEHICLE, PASSENGER. Any motor vehicle designed and used for carrying not more than 15 individuals, including the driver. Passenger vehicle does not include motorcycles, motor scooters, buses, school buses, or commuter vans

[Existing definition] VEHICLE, RECREATIONAL. A vehicular type portable structure without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. Also includes trailers classified as "Small Utility Trailers" by the Minnesota Department of Vehicle Services, receiving permanent registration with a gross vehicle weight over 3,000 pounds and vehicles bearing a State of Minnesota recreational vehicle license plate required for self-propelled vehicles and trailers equipped as temporary human living quarters.

YARD. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted by this chapter. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

YARD, FRONT. That portion of the yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to the depth required in the setback regulations for the zoning district in which such lot is located. ***TO BE REVIEWED AS PART OF OUR DEFINITIONS COMPREHENSIVE REVIEW***

§ 154.010 GENERAL REGULATIONS.

(J) *Off street parking & loading.*

1. *Purpose.* The purpose of this section is to provide for off-street parking and loading areas and pedestrian facilities that are accessible, attractive, secure, maintained and meet the needs generated by specific uses. It is further the intent of these regulations to avoid undue congestion on public streets; to protect the level of service and capacity of existing streets; to avoid unnecessary conflicts between

pedestrians and vehicles; to preserve and enhance the city and to protect the public health, safety and welfare.

2. *Application of parking and loading regulations.* The application of off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this section.

3. *General standards for non-residential areas.*

(a) Minimum size regulations. Each space shall contain a minimum area of not less than 180 square feet, exclusive of access drives, a width of not less than nine feet and a depth of not less than 20 feet. Each space shall be adequately served by access drives as determined by the Zoning Administrator. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve. Parking ramps and underground parking may be allowed to have some reduction in the dimensions stated above.

(b) Use of parking and loading space. Required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

(c) Computing requirements. In computing the number of such parking spaces required, the following rules shall govern:

- i. Floor area shall mean the gross floor area of the specific use;
- ii. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(d) Buffer fences and planting screens. Off-street parking and loading areas near or adjoining residence districts shall be screened by a buffer fence of adequate design or a planted buffer screen; plans of such screen or fence shall be submitted for approval as part of the required site plan, and such fence or landscaping shall be installed as part of the initial construction.

(e) Access.

i. Parking and loading space shall have proper access from a public right-of-way as determined by the Zoning Administrator.

ii. The number and width of access drives shall be so located as to minimize traffic congestion and traffic hazard.

(f) Combined facilities. Except in the R-1 District, combined or joint parking facilities may be provided for one or more buildings or uses, provided that the total number of spaces shall equal the sum of the requirements for each building or use. Underground parking bonus. If 50% or more of the required parking is provided underground or under the principal structure, 300 square feet shall be added as lot area for each space, so placed, and said lot area shall be used to determine the maximum allowable use of the property; for example, the number of dwelling units or the floor area ratio for an office building, provided the maximum bonus shall not increase the number of units or floor area by more than 30%.

(g) Lighting. Lighting shall meet the requirements specified in the zoning district and for the specific use where stated.

(h) Required site plan. Application for a building permit shall include a site plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this section. The site plan shall include an acceptable drainage plan.

9. *Off-street parking standards for residential districts.*

(a) Definitions: for the purposes of this section, the following vehicles are defined:

a. Type 1 Commercial Vehicle: a commercial vehicle less than 8'6" height as measured to the top of any attachments or 22' in length as measured to include any attachments to the vehicle-

b. Type 2 Commercial Vehicle: a commercial vehicle greater than dimensions of Type I and less than 15,000 gross vehicle weight rating

c. Recreational Vehicle – as defined in 154.003

d. Large Recreational Vehicle—— a recreational vehicle over 36 feet in length OR a boat or unoccupied trailer over 25 feet in length

(b) ~~(a) Vehicles may be parked in residential districts per the following table: Truck or bus parking in residential districts. Off-street parking of commercially licensed trucks, trailers or buses with a gross weight of over six tons shall be prohibited, except for deliveries or unloading. Trucks, trailers or buses of less than six tons gross weight shall not be stored in the front yard.~~

Type of Vehicle	Permitted Location	Number	Time Limit
Passenger Automobile	Garage, driveway, side yard, or rear yard surfaced area	No limit	No limit
Type 1 Commercial Vehicle	Garage, d Driveway, side yard, or rear yard surfaced area	Two (2) per lot	No limit
Type 2 Commercial Vehicle	Garage	One (1) per lot	No Limit
Recreational Vehicle	Garage, driveway, side yard or rear yard surfaced area	Two (2) per lot	Front yard: no longer than a 72-hour period, or while being actively loaded or unloaded Garage: No limit Side yard or rear yard surfaced area: No limit provided the vehicle is adequately screened <u>per 154.010 (D)(32)(c). (Outdoor storage shall be screened from abutting residential uses with a wall, solid fencing, evergreen hedge, or equivalent material. All screening shall be six feet in height. Screening along district boundaries, where present, may provide all or part of the required screening) Must be in compliance with off-street parking regulations including setbacks</u>
Large Recreational Vehicle	Garage, d Driveway, side yard, or rear yard surfaced area	One (1) per lot	Front yard: no longer than a 72-hour period, or while being actively loaded or unloaded Garage: No limit Side yard or rear yard surfaced area: No limit provided the vehicle is adequately screened <u>per 154.010 (D)(32)(c). (Outdoor storage shall be screened from abutting residential uses with a wall, solid fencing, evergreen hedge, or equivalent material. All screening shall be six feet in height. Screening along district boundaries, where present, may provide all or part of the required screening) Must be in compliance with off-street parking regulations including setbacks</u>

(c) ~~Vehicle storage~~Paved surface. All vehicles personal, recreational, or commercial shall be stored or parked on a driveway surface.

(d) Setbacks. New driveways and off-street parking shall be set back a minimum of three feet from side property lines. Off-street parking shall be at least 105 feet from the back of the curb or roadway.

(e) Location of parking. Required off-street parking spaces shall be provided on the same lot.

- (f) Driveways, authorized parking areas, and authorized garages.
 - i. Driveways must lead to and abut a vehicle access door having a width of at least eight feet. Driveways must not exceed a 22 foot maximum width at the property line.
 - ii. Existing driveways which do not lead to an authorized parking area or authorized garage must be removed and landscaped.
 - iii. Existing driveways which provide access to an authorized parking area or garage shall be improved/surfaced according to this section; however, if the driveway leads to an unpaved street or alley, a waiver to the surface requirement will be considered by the city upon receipt of a written request explaining the reason and justification for this request.
 - iv. Required number of off-street parking spaces. The minimum number of required off-street parking spaces are located in [Table 8](#).
 - v. Parking. Vehicles parked in a driveway or other area are not allowed to extend or encroach upon the alley or street right-of-way or public sidewalk.
 - vi. Driveways located on a corner lot shall be set back a minimum of 15 feet from the corner of the two streets fronting the lot.

§ 72.04 TRUCK PARKING RESTRICTED RESTRICTIONS ON CERTAIN VEHICLES.

(A) —No person shall park a ~~truck, truck tractor or semi-trailer which has a gross vehicle weight in excess of six tons~~ commercial vehicle as defined in Chapter 154 for more than two hours at a time on any street in any area zoned in whole or in part for residential use under the provisions of this code.

—Exceptions: This section does not apply to commercial vehicles being actively loaded or unloaded, vehicles rendering a service, emergency vehicles of the police department, fire department, division of public health, to any public utility vehicle where actually engaged in the performance of emergency duties necessary to be performed by such public departments or public utilities; or to any vehicle owned by or performing work for the United States, the state, or the city.

(B) No person shall park a recreational vehicle as defined in Chapter 154 for more than two hours at a time on any street in any area zoned in whole or in part for residential use under the provisions of this code.

1. Exceptions: This section does not apply to vehicles being actively loaded or unloaded.

(A)(C) Waivers: discuss with City Attorney

Sign Ordinance

§ 154.011 SIGNS.

(A) Findings.

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

(B) Purpose.

1. The city has a governmental interest in establishing a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe and attractive community, and the need for effective communications including business identification. It is the intent of this section to promote the health, safety, and general welfare of the city, while recognizing the need to maintain an attractive and appealing appearance of property in the city. Sign regulations, including, but not limited to those which control the duration of display, number, height, width, total area, methods of support, placement, materials, illumination, and other features are established. Sign regulations are intended to:

- (a) Promote an attractive, harmonious environment that creates a sense of place and prevent conditions, which have undesirable impacts on surrounding properties.
- (b) Ensure regulations that allow zoning districts to function effectively and efficiently.
- (c) Protect property values, public investment and the overall character of the city.
- (d) Promote traffic and pedestrian safety, prevent visual clutter and pollution, and design, construct and install signs in a manner that does not adversely impact public safety.
- (e) Ensure signs are compatible and proportioned to the scale of their surroundings.
- (f) Ensure adequate means of expression as allowed by the first amendment of the U.S. Constitution and other federal, state, and local laws.
- (g) To permit safe, effective, efficient and aesthetic means of communication using signs.
- (h) recognize the need to maintain an attractive and appealing appearance of property in the city;
- (i) Ensure adequate identification of each business while minimizing the tendency for signs to compete for attention with excessive wording or flashy visual stimulation;
- (j) To ensure expression of a business' individuality while at the same time ensuring architectural harmony, compatibility and unity of the streetscape.

(C) General provisions. The following regulations shall apply to all signs permitted in all districts:

1. Conformance. All signs except official traffic and street signs shall conform to the provisions of this section and any other ordinance or regulations of the city.
2. Proximity to warning and regulatory signs and signals. No sign shall be located which will:

(a) Interfere with the ability of any driver or pedestrian to see any street or highway sign, traffic sign or signal or crossroad or crosswalk.

(b) Will distract drivers or offer any confusion to any street or highway sign, traffic sign or signal.

3. Sign setbacks. All signs unless specifically noted otherwise, shall maintain a ten foot setback from all lot lines. The city may require a greater or lesser setback due to public safety reasons, which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

4. Sign integration. Signs are to be coordinated in their design, material and locational placement with the building design and architecture in terms of the materials and placement of such sign.

Commented [EP1]: Vague

(D) *Permitted signs by zoning district.* The sign standards listed by district and lot size in Tables 10 and 11 shall apply in determining certain residential and business sign areas allowed.

(E) *Downtown Overlay.*

1. Purpose.

(a) Preserve cultural aspects of the historic commercial district.

(b) Encourage the physical development of the city as intended by the city's Comprehensive Plan and Downtown Design manual/plans.

(c) Encourage the harmonious development and appearance of structures and property within the district.

(d) Maintain and improve property values of the district and throughout the city.

2. Types/design of signs allowed. The following types of signs are allowed when meeting the requirements of the Downtown Design Manual:

(a) Permanently painted window signage no more than 20% of the window area.

(b) Wall signs.

(c) Projecting signs.

(d) Neon light signs more than 20% of the window area or building exterior wall area.

(e) Banners as temporary signs for a period greater than 30 days in one calendar year or two 15 day periods within one calendar year.

(f) Three dimensional and flat projecting signs with a maximum space between signage and building face of one foot.

(g) Rooftop signs used in a parapet as indicated in the Downtown Design Manual.

(h) Temporary signage up to 20% of the window area or wall surface area.

(i) A-frame or sandwich board sidewalk signs.

(j) Permanent freestanding signs when approved within a design plan for the property.

3. Prohibited signs.

~~(a) Flashing lights and bare bulb lights.~~

~~(b)(a) Fiberglass and plastic signs, except A-frame or sandwich board sidewalk signs.~~

Commented [EP2]: Delete this – covered in a later section for all districts

~~(c) Internally illuminated signs (not including neon or marquee signs) are not allowed.~~

4. Placement of signs. Signs shall not cover architectural detail on the building, windows, or cornices.

5. Lighting of signs. Source of the light must be directed at the sign and must be shielded (not be visible to pedestrians, motorists, or neighboring residents or businesses).

(F) Comprehensive (master) sign programs. Multi-tenant building.

1. The property owner shall be responsible for allocating the allowable sign area among the tenants of multi-tenant buildings. In the event that the owner does not allocate the sign area, the city may do so based on the relative floor area or tenant frontage.

2. Unified shopping center/multiple-tenant buildings. In a unified shopping center or multiple-tenant building, the total surface area of all individual signs on the buildings shall not exceed the maximum square footage requirements outlined in Table 10. As a part of this maximum square footage the center or building may erect one freestanding or monument sign, which identifies the name and location of the building and its tenants. For shopping centers or multiple tenant buildings, one freestanding or monument sign may be permitted per street right-of-way, provided it meets the requirements of maximum surface area and height outlined in Table 10.

3. Master sign plan. No permit shall be issued for an individual sign requiring a permit in a commercial and/or industrial zoning district where more than one business or industry will be located until a master signage plan has been approved by the city. The master signage plan is intended to control total sign area and sign placement so as to help eliminate incongruities as tenants/occupants change.

4. The owner/agent proposing a commercial or industrial development plan, site plan, and/or planned unit development with more than one individual business or tenant any shall submit a master signage plan containing the following information:

(a) A scaled site plan showing location of buildings, parking lots, driveways and landscaped areas and an accurate indication on the site plan of the proposed location of present and future signs of any type, whether requiring a permit or not.

(b) Scaled color drawings clearly showing location of sign on building elevation.

(c) Computation of the maximum total sign area, the maximum area for individual signs and the height of signs.

(d) The maximum numbers of signs affixed to a building by each business within the building shall be controlled by the master signage plan.

(e) Other provisions of the plan may contain such other restrictions as the owner of the development or building may reasonably determine.

(f) The plan shall be signed by all owners or their authorized agents in such form as required by the city or as a part of applicable and active restrictive covenants.

(g) A master signage plan may be amended by filing administratively a new master signage plan that conforms to all requirements of this chapter.

(h) After approval of a master signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with approved master signage plan and such plan may be

enforced in the same way as provisions of this chapter. In case of any conflict between the provisions of such a plan and this Code, the Code shall govern.

(G) Planned Unit Development. Permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section. A sign plan with differing requirements may be approved by the Zoning Administrator. Factors which will be used in determining if an individual Planned Unit Development sign plan will be considered include the following:

1. The development includes a structure three stories or greater.
2. The development includes multiple structures and/or substantial site area.
3. The development includes mixed uses.
4. A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage.
5. The sign plan includes permanent sign covenants which can be enforced by the city.

(H) Exemptions to the sign ordinance. The following types of signs are exempted from all the provisions of this section and do not require a sign permit, except for construction and safety regulations and the following standards:

1. Replacing copy. The changing of the advertising copy or message on an approved sign which are specifically designed for the use of replaceable copy.
2. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign structure unless a structural change is made.
3. Signs having an area of six square feet or less, but no more than one per business nor more than two per lot, provided the sign area does not exceed the area allowed by this section.
4. Indoor signs. Signs that are completely within a building and are not visible from the outside of said building.
5. Sculptures, fountains, mosaics, murals, and other works of art that do not incorporate business identification or commercial messages.
6. Signs installed and maintained on bus benches and/or shelters within city right-of-way, pursuant to a franchise authorized by the City Council.
7. Seasonal decorations for display on private property.
8. Non commercial signs. Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of public duty, such as directional signs, regulatory signs, warning signs, incidental and informational signs.
9. Traffic signage within the public right-of-way. Permanent governmental signs for control of traffic and other regulatory/notification purposes as governed under Manual on Uniform Traffic Control Devices (MUTCD) and MN.MUTCD.
10. Non-electric bulletin boards not exceeding 12 square feet in area for each public, charitable, or religious institution, when the same are located on the premises of said institutions.

11. Integral signs. Names of buildings, dates of erection, monumental citations, commemorate tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

12. Window signs. In the MU-1, MU-2, and MU-3 Districts, window signs as defined in this section shall be permitted in a window. The total area of all window signs shall not exceed 20% of the window glass area, to be calculated separately for each side of the building. Neon signs are permitted on the building exterior and in display windows as long as they do not cover more than 20% of the window area or building exterior.

13. Private traffic direction. Signs directing traffic movement onto a premise or within a premises, not exceeding eight square feet in area for each sign. Illumination of these signs shall conform to this section, except that standard traffic signal light devices may be used if needed. Horizontal direction signs on and flush with paved areas are exempt from these standards.

14. Yard signs. Temporary yard signs not exceeding six square feet in area located on the subject property and limited to one such sign for each street frontage of a home, lot, parcel or tract under two acres in area other than those included in this section. Signs shall be removed within seven days.

15. Off-premise directional signs may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owners. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. Signs shall not exceed three square feet in area and four in number. The top of such signs shall not exceed three feet in height.

16. Political signs. Non-commercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election, and in the case of a special election, from 30 days before the special election to seven days after a special election.

17. National, state, county or city flags. Nothing in this section shall in any way prohibit or limit the display of national, state, county or city flags.

18. Decorative flags. May be part of a permanent sign plan provided there is a maintenance schedule and it is observed. Each business is allowed up to two per business. They must not interfere with pedestrian or vehicular sight-lines or mobility.

19. Address signs. A minimum of one address sign shall be required. Such sign shall be of sufficient size to be legible from the nearest street yet shall not exceed two square feet in area.

(I) *Prohibited signs.* The following signs are prohibited in all districts:

1. Advertising signs (billboards).
2. Advertising or business signs on or attached to mobile equipment (but not a portable sign), where signing is a principal use of the equipment on either a temporary or permanent basis.
3. Signs mounted on chimneys, rooftop equipment, towers, flagpoles, cooling towers, elevator penthouses, commercial antennas, communication towers, belfries, church spires and cupolas.

Commented [EP3]: These are not an exception to the sign ordinance, in my view. These should be subject to a permit just like a monument or wall sign.

Commented [EP4]: Are we sure we want to allow these?

4. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.

5. Signs which are pasted or attached to utility poles, trees, fences, other signs or their own poles which are not specifically allowed by this section.

6. Right-of-way signs. Signs on or over the municipal, county or state public right-of-way, unless the city grants permission or as otherwise specified in this section.

7. Roof signs, except within the MU-1 District, as specifically stated within this section. Including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure.

8. Flashing signs. Signs with zooming, twinkling, or flashing illumination.

9. Flashing lights and bare bulb lights.

10. Rotating signs, flashing signs and motion signs, except time and temperature and civic information.

11. Flashing or rotating signs resembling emergency vehicles or equipment of motion.

12. Signs which swing or otherwise noticeably move, or have parts which so move, as a result of wind pressure because of the manner of suspension or attachment.

13. Beacon lights or search lights as a sign or for advertising purposes.

14. Internally illuminated signs (not including neon or marquee signs).

15. Monument signs within the MU-1 District. Monument signs and mobile monument signs except for civic uses.

(J) *Temporary signs.* All temporary signs require a sign permit. The following signs are permitted:

1. Temporary signs. Temporary signs shall be set back no less than ten feet from the property line up to a sign area of 30 square feet. Such signs shall be allowed no more than 21 days prior to the event or function and must be removed within three days after the event or function. Such signs may be illuminated in accordance with the restrictions set forth in this section. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level.

2. Street banners. Street banners advertising a public or civic event may be displayed 21 days prior to and three days after the event, but may not hang for a period greater than 30 days.

3. Decorative banners. Decorative banners may be displayed 21 days prior to and three days after the event, but may not hang for a period greater than 30 days.

4. Banners, pennants, ~~whirling devices~~, balloons. Banners, pennants, ~~whirling devices~~ and balloons or any such sign resembling the same are allowed when used as an integral part of the design of the building or when used in conjunction with grand openings (the initial commencement of business) or when allowed by the provisions of this section. In the case of grand openings, banners and pennants shall be allowed for the week (maximum ten days) of said grand opening. In other cases, a permit shall be issued for ten day periods, but limited to

Commented [EP5]: These have always been allowed; Corrin did not know why this is in here

Commented [EP6]: Repetitive if all signs are required to get a permit

three times a year per business. A separate occasion begins no sooner than 30 days after expiration of the previous approval and removal of the previous sign, whichever is longer.

5. A-frame (sandwich or tent signs). One sign allowed per business, ten square feet per side, four feet in height. Signs shall not be left on the sidewalk overnight and must leave a minimum of six feet of clear walkway on the sidewalk.

6. Painted window signs. Signs must not consume more than 20% of the window area. Permanently painted window signage is encouraged if compatible with the architecture of the building as determined by the Zoning Administrator.

(K) Computations.

1. Sign area measurement.

(a) Freestanding signs. The area within the sign frame shall be used to calculate the square footage.

(b) Wall, window, or other structural surface without a sign frame. The area without a sign frame shall be determined by drawing a box around the outermost periphery of letters or graphics. The square footage shall be that of the box surrounding the said letters or graphics.

(c) Each surface used to display a message shall be measured as a separate sign and shall be calculated in the overall square footage.

2. Sign height measurement. The height of a sign shall be measured from the existing grade except for the following: if elevations of the centerline of the nearest frontage street are provided by the sign applicant, this point of elevation may be used rather than existing grade.

3. Sign as a structure. A sign is a structure or part of a structure for the purpose of applying yard regulations.

~~4. Setbacks. Within all zoning districts, signs shall be setback a minimum of ten feet from all property lines.~~

Commented [EP7]: Repetitive

(L) Illumination.

1. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into a residential structure.

2. No sign shall have blinking, flashing or fluttering lights or other illuminating devices or reflective fluttering which have a changing light intensity, brightness or color or which are so constructed and operated as to create an appearance or illusion of writing or printing. An exception may be granted by the city for signs providing civic information or public service information such as date, time, temperature and other weather devices. Nothing contained in this section shall, however, be construed as preventing the use of lights or decorations related to religious, civic and patriotic festivities.

3. If the sign is illuminated at night, the source of the light must be directed at the sign and must not be visible to pedestrians, motorists, or neighboring residents or businesses.

4. No exposed reflective type bulbs and no strobe lights, incandescent lamps or zip flasher which exceed 7.5 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

Commented [EP8]: Is this outdated? What if LEDs are used?

5. When necessary to prevent a nuisance, the city shall specify the hours during which illuminated signs may be kept lighted.

(M) Sign maintenance.

1. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition and in compliance with all applicable building code requirements.

(a) Painting. The owner or any sign shall be required to have such a sign properly painted including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust. This shall also apply to murals.

(b) Area around signs. The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area between the sign and the street and the area within six feet from the ends of the sign, free from refuse.

(c) Unsafe for dangerous signs. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be considered a public nuisance and shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located, within ten days after written notification from the Zoning Administrator.

2. Abandoned signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it identifies is no longer conducted on the premises within 90 days of the business closure. If the owner or lessee fails to remove the sign, the city shall remove it in accordance with this section. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this section or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with other provisions of this section. Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than 30 days from the date of vacancy.

(N) Nonconforming signs.

1. The Community Development Department shall order the removal of any sign erected or maintained in violation of city ordinances as they existed prior to July 21, 1999, the time of the adoption of the provisions of this chapter. Removal shall be in accordance with this subsection.

Commented [EP9]: This relates to nonconformities that were NOT legally established

2. Any nonconforming temporary, movable or portable sign existing on July 21, 1999, the time of the adoption of the provisions of this chapter shall be made to comply with the requirements set forth herein or shall be removed within 60 days after the adoption of this chapter.

3. Other signs existing at the time of the enactment of this chapter and not conforming to its provisions, but which did conform to previous laws and ordinances when constructed or placed shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this chapter and if in conformance with other ordinances of the city. If said signs are not continued with conformance of above, they shall be removed in accordance with this chapter.

Commented [EP10]: Aka legal non-conformities

4. All nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this chapter.

Commented [EP11]: Clarify whether or not this applies to panel changes

5. Business signs on the premises of a nonconforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination. New signs may be erected only upon the complete removal of all other nonconforming signs existing at the time of the adoption of this chapter.

6. No sign erected before the passage of this chapter shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this chapter.

Commented [EP12]: Again, clarify whether this includes panel changes

(O) Permits.

1. Permit requirements. No sign shall be erected, altered or relocated without a permit issued by the city except those signs listed in subsection (H) of this section. Any sign involving electrical components shall be wired by a licensed electrician, and the electrical components used shall bear an Underwriters Laboratories, Inc. seal of inspection.

2. Application. The permit application shall be signed by the applicant. When the applicant is any person other than the owner of the property, it shall also be signed by the owner of the property.

3. In addition to the above application, an agreement must be entered into with the city which would authorize and direct the city to:

(a) Remove and dispose of, at the owner's expense, any sign and sign structure on which a permit has been issued but not renewed, by the owner and if not removed by the owner within a 30 day period following the expiration of the permit.

(b) Remove, at the expense of the owner, the sign and sign structure, where maintenance is required but not furnished, after a hearing and a ten day notice to the owner specifying the maintenance required by the city.

4. The issuance of a permit may also be subject to conditions in order to promote a reasonable combination of signs and to promote conformity with the character and use of adjoining property.

5. Fees. All fees shall be set by City Council Fee Schedule.

6. Licenses and bonds.

(a) No person, firm or corporation shall engage the business of erecting signs under this section unless licensed to do so by the Council. Such license may be granted by the Council after written application to the city, accompanied by an annual license fee to be determined by Council ordinance. This license may be terminated by the Council at any time for cause. No license shall take effect until the licensee shall file with the city a certificate of insurance, evidencing the holding of public liability insurance in the limits and coverage set by the city.

(b) Applicants not engaged in the business of erecting signs who choose to construct and erect a sign on their own property shall be exempt from the above provisions for license and certificate of insurance.

7. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. A permit may be renewed, and no additional fee shall be collected for the renewal.

8. Building Official. The Building Official shall issue all permits for construction, alteration, and erection or signs in accordance with the provisions of this section and related chapters and titles of the City of North St. Paul City Code. In addition, all signs, where appropriate, shall conform to the National Electric Code and the National Electrical Safety Code.

(P) Enforcement.

1. Inspection. Any sign for which a permit is required shall be inspected periodically by the city for compliance with this section and all other applicable laws.

2. Removal of signs. The city shall order the removal of any sign erected or maintained in violation of this section. Ten days' notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to either bring the sign into compliance with the ordinance or effect its removal. Upon failure to remove the sign or to comply with this notice, the city forces shall remove the sign. The city forces shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the city shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes with all costs assessed against the property.

3. Approved sign plans. The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

(Q) Construction requirements. All signs shall be constructed in such a manner and of such material so as to be considered safe and substantial. Nothing in this section shall be interpreted as authorizing the erection or construction of any sign not permitted under this subchapter.

(R) Substitution clause. Any sign allowed under this section may contain, in lieu of any other message or copy, any lawful noncommercial message or copy.

(S) Severability. If any section, subsection, paragraph, sentence, clause or phrase of this section or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court or competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this section or its application to any other person or situation.

(Ord. 739, passed 8-18-2015)

Item IX.A.

2021 Land Use Application Calendar

2021 Land Use Application Schedule

Submission Deadline ¹	Review for Completeness ²	Public Hearing Notice to Paper (by noon)	Public Hearing Notice Published	Planning Commission Meeting	Target City Council Meeting ³
12/8/2020	12/23/2020	12/24/2020	12/27/2020	1/7/2021	2/2/2021
1/5/2021	1/20/2021	1/22/2021	1/24/2021	2/4/2021	3/2/2021
2/2/2021	2/17/2021	2/19/2021	2/21/2021	3/4/2021	4/6/2021
3/2/2021	3/17/2021	3/19/2021	3/21/2021	4/1/2021	5/4/2021
4/6/2021	4/21/2021	4/23/2021	4/25/2021	5/6/2021	6/1/2021
5/4/2021	5/19/2021	5/21/2021	5/23/2021	6/3/2021	7/6/2021
6/1/2021	6/16/2021	6/18/2021	6/20/2021	7/1/2021	8/17/2021
7/6/2021	7/21/2021	7/23/2021	7/25/2021	8/5/2021	9/7/2021
8/3/2021	8/18/2021	8/20/2021	8/22/2021	9/2/2021	10/5/2021
9/7/2021	9/22/2021	9/24/2021	9/26/2021	10/7/2021	11/2/2021
10/5/2021	10/20/2021	10/22/2021	10/24/2021	11/4/2021	12/7/2021
11/2/2021	11/17/2021	11/19/2021	11/21/2021	12/2/2021	01/04/2022

¹It is strongly recommended that prospective applicant meets with the City Planner in advance of making an application to review ordinance requirements, standards, and potential issues that may arise.

²All applications will be reviewed by City Staff to determine completeness. All required information must be supplied and the application deemed complete by this date in order to be included on the upcoming meeting schedule.

³Applications will be scheduled on City Council agendas pending recommendation by the Planning Commission. Specific City Council meeting dates will be determined after the Planning Commission meeting based on Planning Commission action.

