REQUEST FOR COUNCIL ACTION

Date: November 8, 2021
Item No.: 7.b

Department Approval

Janice Gundlach

City Manager Approval

Item Description: Consider an Ordinance approving Zoning Map and Zoning Code text amendments to align with the City's 2040 Comprehensive Plan

BACKGROUND

The legislative history regarding the proposed Ordinance is as follows:

- January, 2021 – August, 2021: The Planning Commission held seven meetings to discuss the proposed Zoning Map and Zoning Code text amendments. As a part of this overall process, six virtual zoom community engagement sessions were held to inform the public and seek input, which was used to inform and guide the proposed map and text amendments. On August 4, 2021 the Planning Commission held a formal public hearing on the proposed ordinance. The Planning Commission, on a vote of 6-0-1 (McGehee abstained) recommended approval of the Zoning Map and Zoning Code text amendments to align with the City's 2040 Comprehensive Plan. The Commission also recommended the Council revisit the Zoning Map amendments for 2025 County Road B and 1880 Lexington Avenue.
- September 13, 2021: This City Council held its first discussion on the proposed Zoning Map and Zoning Code text amendments. The City Council tabled action and directed staff to address a number of questions and/or concerns regarding map amendments impacting 2025 County Road B, unaddressed parcels on Snelling Curve, and 1880 Lexington Avenue, as well as several items contained within the text amendments. The Request for Council Action (RCA) from this discussion is provided as Attachment H, with the meeting minutes provided as Attachment G.
- October 18, 2021: The City Council held its second discussion on the proposed Zoning Map and Zoning Code text amendments. The City Council tabled action and directed staff to address a number of questions and/or concerns, which have been outlined in greater detail herein. The RCA from this discussion is provided as Attachment J, with meeting minutes provided as Attachment I.

The purpose of this RCA is to provide follow-up information based upon questions and/or concerns received during the October 18th discussion. Those items are outlined below (in *italics*), with staff responses:

- *Per a motion made by Council member Etten, and seconded by Mayor Roe, and with a Council vote of 4-0, revise the Zoning Map, changing the zoning of 2025 County Road B from Medium Density Residential (MDR) to Low to Medium Density Residential (LMDR).* Done – the updated ordinance is provided as Attachment A, which includes the Official City Zoning Map depicting 2025 County Road B as LMDR. As a reminder to Council, the rezoning to LMDR

does not require a Comprehensive Plan change given LMDR zoning intends to align with either LDR or MDR guidance.

- *Per a motion made by Council member Strahan, and seconded by Council member Groff, and with a Council vote of 4-0, revise the Zoning map, changing the zoning of 1880 Lexington Avenue from Low Density Residential (LDR) to Low to Medium Density Residential (LMDR).* Done – the updated ordinance reflects LMDR guidance on the Official City Zoning Map for 1880 Lexington Avenue. As a reminder to Council, the rezoning to LMDR does not require a Comprehensive Plan change given LMDR zoning intends to align with either LDR or MDR guidance.
- *Revise the ordinance so any reference to CUP (for Conditional Use Permit) is changed to CU (Conditional Use).* Done. Multiple references throughout the ordinance have been revised from "CUP" to "CU". The updated ordinance is provided as Attachment A. Please note, the proposed ordinance remains in ~~strikethrough~~ (language proposed for deletion) and <u>underline</u> (language proposed for insertion) format.
- *Within the dimensional standards table for High Density Residential, revise the Minimum Side Yard Setback, leaving MDR (medium density residential) adjacency for the more restrictive interior yard setback requirement.* Done. See Table 1004-6, beginning at line 1424 of the proposed ordinance.
- *Within the Table of Allowed Uses, Table 1005-1 (the mixed use districts table), make revisions to five uses.* Done. Table 1005-1 begins at line 1598 of the proposed ordinance, where the following revisions have been made:
    - Retail, large format – revise P in MU-1 to NP
    - Dwelling, one-family detached – revise P in MU-1 to NP
    - Theater, performing arts center – revise NP in MU-3 to P
    - Communications equipment (TV, shortwave radio) – revise NP in MU-1 to P and insert a Y under the Standards column
    - Limited production and processing-accessory – revise C under MU-2A to P

The Ordinance approving the proposed Zoning Map and Zoning Code text amendments to align with the City's 2040 Comprehensive Plan, including the revisions requested to Council to-date was posted to the City's website on October 25, 2021 and is provided as Attachment A. Beyond the public comments provided to Council previously, to-date, staff has not received any additional public comments.

Staff, and our consultant HKGi, will be available to address any additional questions or concerns.

POLICY OBJECTIVE

Ensure compliance and consistency between the City's 2040 Comprehensive Plan and the City's Zoning Map and Zoning Code.

BUDGET IMPLICATIONS

HKGi was hired for professional services. The Professional Services Agreement, approved by the City Council on December 7, 2019, was for a total project cost of $79,000 with $1,000 of reimbursable costs, for a total of $80,000. The project is being funded by the Community Development Fund.

Approximately, $11,000 remains in the budget for concluding the Section One updates (required updates) and to undergo the Section Two updates (optional updates).

STAFF RECOMMENDATION

Motion to approve the Zoning Map and Zoning Code text amendments, consistent with Attachments A – F.

REQUESTED COUNCIL ACTION

Council has two options:

1) Motion to approve the Zoning Map and Zoning Code text amendments, consistent with Attachments A – F, with or without revisions per Council direction. Council is advised action on two ordinances would be required: one for the proposed map and text amendments (Attachment A) and one for a summary publication (Attachment F), or

2) Table for further discussion – if additional research or revisions are requested, those should be articulated for City staff and HKGi. Given this is a City-initiated request, there are no mandatory review periods for City action.

Prepared by: Janice Gundlach, Community Development Director

Attachments:
- A: Proposed Ordinance: Zoning Code Text Amendments
- B: Renamed Residential Districts Map
- C: Renamed Non-Residential Districts Map
- D: BRT Overlay Map
- E: Site Specific Rezonings Map
- F: Ordinance summary
- G: 9/13/2021 CC meeting minutes
- H: 9/13/2021 Request for Council Action
- I: 10/18/2021 CC meeting draft minutes
- J: 10/18/2021 Request for Council Action

ORDINANCE NO. ____

AN ORDINANCE AMENDING TITLE 10, ZONING, OF THE ROSEVILLE CITY CODE TO ENSURE CONFORMANCE WITH THE 2040 COMPREHENSIVE PLAN

The City Council of the City of Roseville does ordain:

Section 1. Zoning Code Amended. After Planning Commission and City Council consideration of Phase 1 of Project File 0044, the Roseville City Code, Title 10 (Zoning) is hereby amended to add and update various definitions, reflect new and renamed zoning districts, adjust district regulations, and establish a bus rapid transit overlay district, among other amendments to ensure that the provisions of the zoning code are in alignment with the goals and policies established in Roseville's 2040 Comprehensive Plan.

TITLE 10

ZONING

CHAPTER 1001 INTRODUCTION

SECTION:

1001.01: Short Title

1001.02: Authority

1001.03: Intent and Purpose

1001.04: Relationship to the Comprehensive Plan

1001.05: Uses Not Provided For Within Zoning Districts

1001.06: Application and Implementation

1001.07: Rules of Construction

1001.08: Sidebars

1001.09: Severability of Parts of City Code

1001.10: Definitions

(Ord.1405, 2-28-2011)

1001.01: SHORT TITLE

This Title shall be known, cited, and referred to as the Roseville Zoning Code/Ordinance except as referred to herein, where it shall be known as "this Title." (Ord. 1403, 12-10-2010)

1001.02: AUTHORITY

A. This Title is enacted pursuant to the authority granted by the Municipal Planning Act, MN Stat 462.351 to 462.365, inclusive.

B. This chapter governs the use of all land and structures in the city unless such regulation is specifically preempted by State or Federal statutes or regulations.

(Ord.1405, 2-28-2011)

1001.03: INTENT AND PURPOSE

This Title shall divide the City into districts and establish regulations in regard to land and the buildings thereon. These regulations are established to:

A. Protect and to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the community and its people through the establishment of minimum regulations governing land development and use;

B. Protect and enhance the character, stability, and vitality of residential neighborhoods as well as commercial areas;

C. Promote orderly development and redevelopment;

D. Assist in the implementation of the Comprehensive Plan;

E. Foster a harmonious, workable relationship among land uses;

F. Promote the stability of existing land uses that conform with the Comprehensive Plan and to protect them from inharmonious influences and harmful intrusions;

G. Insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial for the City as a whole;

H. Prevent excessive population densities and over-crowding of structures on the land;

I. Promote healthful movement of people, goods, and services;

J. Foster the provision of adequate off-street parking and off-street truck loading facilities;

K. Facilitate the appropriate location of community facilities and institutions;

L. Provide human and physical resources of sufficient quantity and quality to sustain needed public services and facilities;

M. Protect and enhance real property values;

N. Safeguard and enhance the appearance of the City, including natural amenities of open spaces, hills, woods, lakes, and ponds;

O. Prescribe penalties for violation of such regulations; and

P. Define powers and duties of the City staff, the City Council, the Planning Commission, the Board of Adjustment and Appeals, the Variance Board, the Development Review Committee, the Administrative Deviation Committee, and the Master Sign Plan Committee in relation to the Zoning Code.

1001.04: RELATIONSHIP TO THE COMPREHENSIVE PLAN

It is the policy of this City that the enforcement, amendment, and administration of this Code be accomplished with due consideration of the recommendations and policies contained in the Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council. The City Council recognizes the Comprehensive

Plan as the policy for regulation of land use and development in accordance with the policies and purpose herein set forth.

1001.05: USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS

Whenever a use is not specifically permitted in any zoning district and is determined by the Community Development Department to not be consistent with a permitted and/or conditional use chart, the use shall be considered prohibited. In such case, the City Council or the Planning Commission, on its own initiative or upon request, may direct the Community Development Department to conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate as well as what conditions and standards should be imposed relating to development of the use. The City Council, Planning Commission, or property owner, upon receipt of the Community Development Department's study, may, if appropriate, initiate an amendment to the Zoning Code/Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

1001.06: APPLICATION AND IMPLEMENTATION

The provisions of this Title shall be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. It is not the intention of this Title to interfere with, abrogate, or annul any covenant or agreement between parties. Where this Title imposes greater restrictions than any other applicable statute, ordinance, rule, or regulation, this Title shall control when and to the extent allowed by State or Federal law. Where any other applicable statute, ordinance, rule, or regulation imposes greater restrictions than this Title, such other statute, ordinance, rule, or regulation shall control. The section, subsection, and paragraph headings are for reference only, and shall not be used to interpret, enlarge, or detract from the provisions of this Title.

A. Minimum Requirements: The provisions of this chapter are the minimum requirements for the promotion of the public health, safety, morals and general welfare.

B. Essential Services: Essential services shall be permitted as authorized and regulated by State and/or Federal law and ordinances of the City. Such essential services are exempt from the application of this chapter, except as regulated by the City's Floodplain Ordinance.

C. Measurement: All measured distance expressed in feet shall be to the nearest tenth of a foot. The measurement of distances when required by this chapter shall be done in a straight line in the plane located at a point one foot above the highest point in the surface of the ground along the path of measurement, from the closest exterior wall (extended vertically if a cantilever) of a building containing the use to the property line of the adjacent street, district, or lot, or other boundary line. If the use is not within a building, the measurement shall be the shortest distance from the location of the use to the property line of the adjacent street, district, or lot, or other boundary line.

1001.07: RULES OF CONSTRUCTION

In construing this Title, the following rules of construction shall govern:

A. The use of the phrase "used for" shall include the phrases "designed for," "intended for," "improved for," "maintained for," "offered for," and "occupied for."

B. Words and phrases shall be construed according to rules of grammar and according to their common and accepted usage; but technical words and phrases and such others as have acquired a special meaning, or are defined in this Chapter, shall be construed according to such special meaning or their definition.

C. References in this Chapter to this Title or to another Code provision, whether or not be a specific number, shall mean this Section, and the referred to Code provision, as then amended.

D. The words "shall," "must," and "will" are mandatory and not discretionary.

E. The word "may" is permissive.

F. The word "or" may be read "and," and the word "and" may be read "or" as the sentence requires.

G. If there is any ambiguity between the text of this ordinance and any caption or illustration, the text shall control.

1001.08: SIDEBARS

This Title uses sidebars such as diagrams, charts, pictures, graphs, and commentary. The sidebar is for illustrative purposes to aide in interpreting the Code. It is provided for the convenience of the user of the Code and shall have no legal effect. Should there be a conflict between the Code language and the sidebar, the Code shall control.

1001.09: SEVERABILITY OF PARTS OF CITY CODE

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of the City Code are severable, and if any phrase, clause, sentence, paragraph, or section of the Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the Code, since the same would have been enacted by the Council without the incorporation in the Code of any such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

1001.10: DEFINITIONS

The definitions in the Section shall be observed, unless it shall be otherwise expressly provided, or unless such definition should be inconsistent with the manifest of the provision, or unless the context clearly requires otherwise.

A.

ABUTTING: Having a common border or boundary. This term is used interchangeably with adjacent and adjoining.

ACCESSORY: Designates a use or structure which is located on the same lot as a principal use or structure and which is clearly incidental and subordinate to the principal use or structure.

AISLE: The traveled way by which vehicles enter and depart parking spaces.

ADDITION: Any walled and/or roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall or foundation.

ADJACENT: See ABUTTING.

ADJOINING: See ABUTTING.

ALLEY: A public or private right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

ALTERATION: Any change, addition, or modification in construction or occupancy of an existing structure, or modification to the surface of the ground.

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.

ANIMAL DAY CARE: See ANIMAL BOARDING FACILITY.

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

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

ASSEMBLY HALL: See THEATER.

ARBORIST, CERTIFIED: An individual who holds a current certification from the International Society of Arboriculture.

ARTISAN WORKSHOP: A use primarily involving the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed 2 horsepower each or a single kiln not exceeding 8 cubic feet in volume and the incidental direct sale to consumers. Typical production includes: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.

ASSISTED LIVING: Housing complexes primarily for the elderly or chronically ill in which assistance with daily activities, congregate dining, and limited health care may be provided.

ATHLETIC FIELD: An outdoor facility developed as a baseball diamond, softball diamond, soccer field, football field, lacrosse field, or other surface for conducting outdoor recreational activities.

AWNING: See CANOPY.

B.

BASEMENT: That portion of a building which is wholly or partly below ground level.

BED AND BREAKFAST ESTABLISHMENT: A private residence that rents rooms as temporary lodging and which is the principal residence of the operator.

BERM: A land alteration where fill is added to the surface of the ground in order to create a earthen mound or hill generally used in conjunction with walls, fences, or plant material to screen one parcel of land from another or from a street.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or shorelines of waterways. A block may be located in part beyond the boundary lines of the corporate limits of the City.

BINGO HALL: A principal or accessory use of a structure or property to operate a bingo hall licensed under Chapter 304 of this Code and MN Stat 349.164.

BOARDER: See ROOMER.

BODY SHOP: See MOTOR VEHICLE REPAIR.

BOULEVARD: That portion of a street right-of-way between the curbline and property line. BOUTIQUE SALE (RESIDENTIAL): The sale of handcrafted items conducted on residential premises, where the items sold are made by the occupant of the premises at which the sale takes place, or by friends of such occupant, and where the sale is conducted by said occupant or friends of such occupant and not by an agent or any other person to whom a commission, fee, or salary is paid. Items for sale shall be made in the home and not purchased for resale from any retail or wholesale business source nor received on consignment for the purpose of resale.

BREWERY: A facility that produces for sale more than 3,500 barrels annually of cider, mead, beer or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. A brewery may include a taproom. (Ord. 1566, 10-22-2018)

BREWPUB: A restaurant that brews cider, mead, beer or other beverages made from malt by fermentation on the same premises and that also holds one or more retail on-sale licenses and that manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in section 340A.24, subdivision 2. (Ord. 1566, 10-22-2018)

BUILDING: A structure with a permanent location on the land, enclosed by walls and having a roof that may provide shelter, support, protection or enclosure of persons, animals, or property of any kind.

BUILDING, ATTACHED: A building joined to another building or structure by a shared wall.

BUILDING, DETACHED: A building surrounded on all sides by open space on the same lot

BUILDING, MIXED-USE: A building that houses multiple uses, which may include residential and nonresidential uses.

BUILDING, NONRESIDENTIAL: A building that houses no residential uses, with the possible exception of a caretaker's dwelling.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

BUILDING, RESIDENTIAL: A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types multiple-family dwelling, single-family attached dwellings, single-family detached dwellings, and two-family detached dwellings.

BUILDING COMPLEX: A group of two or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings or uses are located on the same lot or parcel.

BUILDING HEIGHT: The vertical dimension measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. (For purposes of this definition, the average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.) In the case of alterations, additions or replacement of existing buildings, height shall be measured from the natural grade prior to construction.

BUILDING MATERIALS SALES: An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term does not include a lumberyard or home improvement center.

C.

CALIPER INCH: The standard of each tree trunk measurement for replacement or landscaping trees. The caliper inch measurement of the trunk shall be taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and twelve (12) inches above the ground for trees larger than four (4) inch caliper.

CANOPY: A roof-like structure projecting from the building over an entrance or window that provides weather protection for the entry or window and, perhaps, the immediately adjacent area. Canopies shall be considered part of the wall area for the purpose of allocation of signage.

CANOPY, AUXILIARY: A roof-like structure projecting over, including but not limited to, fuel pump islands, drive-through banking, or any canopy with a drive-through lane. An auxiliary canopy provides weather protection for more than the building entrance or windows. Auxiliary canopies may be attached or detached from the principal building. For sign purposes auxiliary canopies shall be considered a separate structure.

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

CATERING ESTABLISHMENT: A business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and may also provide service at the function.

CEMETERY: An area used for the burial or entombment of one or more deceased persons, including graveyards, mausoleums, and columbaria.

CITY: The word “City” shall mean the City of Roseville, Minnesota

CLINIC, MEDICAL, DENTAL, OR OPTICAL: A building in which a group of physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. The clinic

may include, laboratories, diagnostic imaging, outpatient/inpatient procedures and facilities, or training facilities. (Ord. 1572, 06-03-2019)

CLUB, PRIVATE: See LODGE, PRIVATE.

CODE: The words "The City Code" or "Code," unless it shall be otherwise expressly provided, shall mean the City Code of Roseville, Minnesota, as amended.

COCKTAIL ROOM: An area for the on-sale consumption of distilled spirits produced on the premises of one distillery and in common ownership to the producer of the distilled spirits. (Ord. 1566, 10-22-2018)

COFFEE SHOP: 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.

COLLEGE OR POST-SECONDARY SCHOOL, CAMPUS: An institution for post- secondary education, public or private, offering courses in general, technical, or religious education, which incorporates administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, student housing, fraternities, sororities, and/or other related facilities in a campus environment.

COLLEGE OR POST-SECONDARY SCHOOL, OFFICE-BASED: An institution for post- secondary education, public or private, offering courses in general, technical, or religious education, which operates in commercial-type buildings, wholly or partially owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, and/or other related facilities.

CO-LOCATION: The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

COLUMBARIUM (PLURAL: COLUMBARIA OR COLUMBARIUMS): A place such as a vault for the respectful and usually public storage of cremated human remains within cinerary urns. Columbaria are accessory to places of assembly for worship, cemeteries, or mausoleums.

COMMERCIAL LAUNDRY: See DRY CLEANING ESTABLISHMENT. COMMUNITY GARDEN: An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

COMPREHENSIVE PLAN: The words "The Comprehensive Plan," "The Land Use Plan," or "Comp Plan," unless it shall be otherwise expressly provided, shall mean the City's 2030 Comprehensive Plan.

CONDOMINIUM: An estate of real property consisting of an undivided interest in common with other purchasers in a portion of parcel of real property, together with separate interest in space in a building. As condominium may include, in addition, a separate interest in other portions of such real property, such as garage space or in the case of a cluster development, a townhome, or cluster development lot.

CONFORMING: Designates a lot, use, or structure which satisfies all applicable requirements of this Title as amended.

CONGREGATE CARE: See ASSISTED LIVING.

CONTRACTOR YARD: An establishment providing general contracting, building/site maintenance, or building construction services, including (but not limited to) outdoor storage of large construction equipment or machinery (loader, grader, bulldozer, scraper, crane or similar) trailers and/or seasonal equipment, and loose materials. Outdoor storage of these items shall be consistent with the requirements of Table 1006-1 and Section 1011.12.F.8, 9, and 10. (Ord. 1544 2-12-10

CONTRACTOR YARD – LIMITED: An establishment providing general contracting, building/site maintenance, or building construction services, including (but not limited to) fleet vehicles (pick-up, cargo, and/or cube variety trucks), outdoor storage of trailers or machinery and/or seasonal equipment. Outdoor storage of these items shall be consistent with the requirements of Table 1006-1 and Section 1011.12.F.8, 9, and 10.equipment. (Ord. 1544 2-12-2018)

CONVENT: See MONASTERY.

COUNCIL: The word "Council" or the words "City Council" shall mean the City Council of the City of Roseville, Minnesota.

COURTYARD DEVELOPMENT: A form of a cluster development that designs the residential units around a common courtyard.

CURRENCY EXCHANGE BUSINESS: Any entity, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee.

D.

DAY CARE: As defined in Minnesota rules, day care means the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

DAY CARE, FAMILY: As defined in Minnesota rules, means: Day care for no more than 10 children at one time of which no more than 6 are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence. DAY CARE, GROUP FAMILY: As defined in Minnesota Rules, group family day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

DAY CARE CENTER: A facility in which a child care program is operated when the facility in not excluded by Minnesota Statutes and is not required to be licensed under said Minnesota Statutes as a family or group family day care home.

DENSITY: The number of dwelling units permitted per net acre of land. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, the placement, construction, or modification of structures, ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations, and the deposition or extraction of earthen materials.

DIAMETER BREAST HEIGHT (DBH): The diameter of trees in inches at breast height, measured 4 ½ feet (54 inches) above the ground. The diameter of a multi-stemmed tree that splits below 4.5 feet shall be measured at the smallest diameter below the split for both deciduous and coniferous trees.

DISTILLERY: A facility that produces for sale Ethyl Alcohol, hydrated oxide of ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use. A distillery may include a cocktail room. (Ord. 1566, 10-22-2018)

DISTRIBUTION CENTER: An enclosed building primarily used for receipt, temporary storage and redistribution of goods, typically involving heavy truck and/or freight rail traffic.

DRIP LINE: A vertical line extending from the outer surface of a tree's branch tips down to the ground.

DORMER: A window set vertically in a structure that projects through a sloping roof or a structure that contains such a window.

STUDENT HOUSING: Group living quarters designed for students of an elementary, middle, junior, or high school, college, university, or seminary, organized and owned by such institution.

DRIVE-THROUGH: Consisting of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in an automobile including the stacking spaces in which vehicles wait. Drive-throughs may be associated with principal uses such as restaurants, banks, or drugstores, or may be free-standing, such as coffee kiosks, ATMs, etc.

DRY CLEANING ESTABLISHMENT: An establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

DWELLING: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels or other accommodations for the transient public, lodging houses, housing cooperative or other group living arrangements.

DWELLINGS, COURTYARD COTTAGE: A development of one-family detached dwellings where a courtyard of open space fronts on the public street and the individual dwellings are accessed from shared driveways and serve the rear of the dwellings.

DWELLING, FOUR-FAMILY [QUADRUPLEX]: A building containing four dwelling units that are independent from one another, with yards on all sides of the building.

DWELLING, MULTI-FAMILY: A building, or portion of a building, designed exclusively for occupancy by ~~3~~ five or more families living independently of each other in individual dwelling units. ~~(See also "Multi-family Complex)~~.

DWELLING, ONE-FAMILY ATTACHED [TOWNHOUSE, ROWHOUSE]: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having totally exposed front and rear walls to be used for access, light and ventilation.

DWELLING, ONE-FAMILY DETACHED: A building designed exclusively for and occupied exclusively by one family in one dwelling unit, with yards on all sides.

DWELLING, THREE-FAMILY [TRIPLEX]: A building containing three dwelling units that are independent from one another, with yards on all sides of the building.

DWELLING, TWO-FAMILY~~,~~ ATTACHED [TWIN HOME]: A one-family dwelling which is attached on one side to another one-family dwelling with a common side wall, each of which is located on an individual lot.

DWELLING, TWO-FAMILY DETACHED [DUPLEX]~~, TWO-FLAT~~: A building located on one lot containing two dwelling units that are horizontally attached or vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.

~~DWELLING, TWO-FAMILY, SPLIT: See dwelling, two-family, twin.~~

DWELLING UNIT: One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and a complete kitchen facility, permanently installed, shall always be included with each dwelling unit. No dwelling unit may have more than one kitchen facility except that a single-family detached dwelling may have more than one kitchen facility provided the dwelling is designed, arranged or used as living quarters for one family only. For purposes of this exception, the family shall not include roomers.

DWELLING UNIT, ACCESSORY: A second dwelling unit contained within a single- family dwelling or within a detached building located on the same lot as a single-family dwelling. This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit.

E.

EASEMENT: The grant of one or more of the property rights by the owner to, or for the use by, the public, public utility, corporation, or another person or entity.

ELDERLY HOUSING: See senior housing.

ELECTRICAL SUBSTATION: An assemblage of equipment through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of consumers.

ENTRANCE, PRIMARY: The building entrance which faces the front lot line or is closest to the front lot line and which entrance provides direct access to the principal use.

EQUIPMENT BUILDING, SHELTER, OR CABINET: A building or cabinet used to house equipment used by telecommunication providers.

F.

FACADE, FRONT: The wall of building closest to the street that separates interior spaces from exterior. An open porch without living space above it shall not be considered a front facade. For buildings on corner or through lots, the front facade is usually that facade that fronts the street of higher classification.

FAMILY: Family shall mean one of the following:

1. Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care;
2. up to four people not so related, living together as a single housekeeping unit;
3. any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency, or for other reasons; or
4. any individual, who is the owner, living, and maintaining a common household and using a common cooking and kitchen facility.

FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

FITNESS CENTER: See health club.

FLOOR AREA (FOR DETERMINING OFF-STREET PARKING REQUIREMENTS): Floor area, when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, shall mean the sum of the gross horizontal areas of the several floors of the buildings devoted to such use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, with the common areas divided proportionately according to the usage of said buildings.

FORESTER, DEGREED: A person who holds a minimum of a Bachelor of Science degree in arboriculture, urban forestry or similar field from an accredited academic institution.

FRONTAGE: The relationship between the front facade of a building and the abutting street, encompassing the placement of the building and its entrances, and the treatment of front setback areas.

FUNERAL HOMES: See MORTUARY.

G.

GARAGE, PRIVATE: A detached accessory building or portion of the principal building, including a carport, which is used for storing passenger vehicles, trailer of the occupant, or trucks of a rated capacity not in excess of ¾ ton.

GARAGE SALE: Also known as a yard sale, attic sale, rummage sale, or moving sale, the sale of used household and personal items conducted on residential premises, where the property sold consists of items owned by the occupant of the premises at which the sale takes place, or by friends of such occupant and where the sale is conducted by such occupant or friends, and not by an agent or any other person to whom a commission, fee or salary is paid. Items for sale shall not have been purchased for resale or received on consignment for the purpose of resale. Except during the sales day(s) and one day before and after for setup, items for sale shall be stored within the garage or residence.

GAZEBO: A detached accessory building which is used for the social or recreational shelter of persons and is not used as living quarters.

GREENHOUSE: An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies.

GROCERY STORE: A retail establishment that offers for sale food products, beverages, household items and may include pharmacy, and prepared food items.

GROUP HOME: See community residential facility.

H.

HEALTH CLUB : An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices, and classrooms, and where use is offered on a membership basis.

HOME OCCUPATION: An office or studio, service business, or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.

HOSPITAL: An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL: See LODGING.

I.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

INN: See LODGING.

J.

JUNKYARD: An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles and unlicensed or inoperable motor vehicles and parts thereof. A junkyard includes an automobile wrecking or dismantling yard.

K.

KENNEL: See animal boarding facility.

KITCHEN FACILITY: A kitchen facility is one which includes kitchen fixtures such as cabinets, sinks, refrigerators and stoves, or articles used or intended to be used for cooking.

L.

LABORATORY FOR RESEARCH, DEVELOPMENT, AND/OR TESTING: A room, building, or facility equipped for medical, scientific, or technological research, experiments, and/or testing, which may include limited accommodations for researchers or research subjects.

LATTICE TOWER: A self-supporting structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

LANDSCAPE PLAN: An integrated set of documents that may consist of both drawn and written materials whose purpose is to identify, for a proposed development, the means of compliance with the landscaping, screening and site stabilization standards of the City Code.

LIMITED PRODUCTION/PROCESSING-ACCESSORY USE: Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar uses which are conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or complex. Limited production/processing generally does not include industrial processing from raw materials.

LIMITED PRODUCTION/PROCESSING-PRINCIPAL USE: Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar principal or primary uses which are

predominantly conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or complex. Limited production/processing as a principal/primary use generally does not include industrial processing from raw materials.

LIMITED WAREHOUSING AND DISTRIBUTION: An establishment providing storage and distribution of merchandise and bulk goods, including those associated with a limited production and processing use, and which use shall involve pick-up, cargo, and/or cube variety trucks to distribute goods.

LIVE-WORK UNIT: A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

LOADING AREA: A space accessible from a street, alley or way in a building or on a lot for the use of trucks while loading and unloading merchandise or materials.

LODGE, PRIVATE: An association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.

LODGING: A building containing rooming units providing temporary sleeping accommodations (less than 30 days duration) to the general public, which may include additional facilities for food service, meeting space, and/or recreation.

LOT: A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

LOT, CORNER: A lot of which at least 2 adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such 2 sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.

LOT, KEY: The first interior lot to the rear of a reverse corner lot.

LOT, NON-CONFORMING PRE-EXISTING: Any lot which does not comply with existing code requirements, but which complied with existing regulations at the time the lot was established.

LOT, REVERSE CORNER: A corner lot the street side lot line of which is substantially a continuation of the front lot line of the key lot to its rear.

LOT, THROUGH: A lot having a pair of opposite lot lines along, and access to, 2 more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries

LOT LINE, FRONT: The boundary of a lot which abuts an existing, dedicated or officially mapped street. In the case of a lot abutting more than one street, the owner may choose any street lot line as the front lot

line, with the consent of Community Development Department, based on the effects of such choice on development of the lot itself or on adjacent properties.

LOT LINE, REAR: That lot line which is opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line that is not a front lot line or a rear lot line.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line.

M.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “recreational vehicle.”

MANUFACTURING, PRODUCTION AND PROCESSING: Manufacturing, assembly, processing, research, development, or similar uses which may involve raw materials and have the potential to produce objectionable influences on surrounding properties or adverse effects on the environment. Manufacturing, production and processing uses require special measures and careful site selection to ensure compatibility with the surrounding area.

MASSAGE THERAPY: A profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy does not include diagnosis, except to the extent of determining whether massage therapy is indicated. Further, “massage” is manual manipulation of the human body, including holding, positioning, causing movement, and applying touch and pressure to the body; “therapy” is action aimed at achieving or increasing health and wellness; “adjunctive therapies” may include

1. application of heat, cold, water, mild abrasives, topical preparations not classified as prescription drugs,
2. the use of mechanical devices and tools which mimic or enhance manual actions and
3. instructed self-care and stress management.

MICROBREWERY: A facility that produces for sale no more than 3,500 barrels annually of cider, mead, beer or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. A microbrewery may include a taproom. (Ord. 1566, 10-22-2018)

MINI-STORAGE FACILITY: A building or group of buildings having the following characteristics: control access and secured areas which contain varying sizes of individually compartmentalized and controlled access stalls or lockers for the dead storage of the customer’s goods or possessions. Access to all storage units shall be oriented into interior courtyards fully enclosed by buildings or walls, except for ingress and egress openings. Exterior finish shall be face brick or equal.

MOBILE HOME: See manufactured home.

MONASTERY: A place of residence for members of a religious order who carry on religious, medical, educational or charitable work within related or unrelated institutions.

MONOPOLE: A monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

MORTUARY: A facility where funeral arrangements are made and/or funeral services for the dead are held and where dead bodies are embalmed or otherwise prepared for final disposition.

MOTEL: See lodging.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

MOTOR FUEL SALES: A place where gasoline, kerosene, or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.

MOTOR VEHICLE DEALER: Any person licensed by the State and engaging in the business of selling, purchasing, and generally dealing in new and used motor vehicles having an established place of business for the sale, trade, and display of new and used motor vehicles and having in such motor vehicle dealer's possession new and used vehicles for the purposes of sale or trade.

MOTOR VEHICLE RENTAL/LEASING FACILITY: A facility primarily engaged in the rental or leasing of automobiles or light trucks and vans that may include incidental parking and servicing.

MOTOR VEHICLE REPAIR: The repair and/or replacement of any part or repair of any part including such items as the engine head or pan, engine transmission or differential, rebuilding or reconditioning of engines, bodywork, framework, welding, painting, upholstering service to passenger vehicles and trucks not exceeding 3/4 ton capacity.

MOTOR VEHICLE REPAIR, LARGE: The repair and/or replacement of any part or repair of any part including such items as the engine head or pan, engine transmission or differential, rebuilding or reconditioning of engines, bodywork, framework, welding, painting, upholstering service to passenger vehicles, commercial vehicles (e.g. vans, trucks, semis and buses), and large machinery (e.g., construction equipment and farm implements) of any size.

MULCH: A protective covering of materials placed around plants to control weeds and moderate evaporation of moisture or freezing. Examples of mulch include organic mulch such as wood chips, shredded hardwood, and cocoa beans and inorganic mulch such as stones or rocks. Materials creating an impermeable cover shall not be considered mulch.

N.

NATURAL GRADE: 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.

NONCONFORMING, ILLEGAL: Designates a lot, use, or structure which failed to satisfy all applicable zoning requirements and was, therefore, illegally established when it was created, initiated, or constructed and which currently fails to satisfy all applicable requirements of this Title as amended.

NONCONFORMING, LEGAL: Designates a lot, use, or structure which satisfied all applicable zoning requirements when it was created, initiated, or constructed but which currently fails to satisfy all applicable requirements of this Title as amended.

NON-MOTORIZED PATHWAYS: On-road and off-road pathways which are used for pedestrian, bicycle, and other non-motorized means of transportation, the specifications of which shall be established by the Public Works Director.

NOXIOUS MATTER: Material which is capable of causing injury or malaise to living organisms or is capable of causing detrimental effect upon the health or the psychological, social or economic well-being of human beings.

NURSERY SCHOOL: A public or private facility, licensed by the state, the principal function of which is to provide an educational experience outside of the family home for children of preschool age.

NURSING HOME: A state-licensed establishment having accommodations for the continuous care of two or more invalid, infirm, aged convalescent patients, or disabled persons that are not related.

O.

OFFICE: The general use of a building for administrative, executive, professional, ~~research,~~ or similar organizations having only limited contact with the public. Office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, or legal services. (Ord. 1572, 06-03-2019)

OFFICE SHOWROOM: A facility in which up to 50% of the total floor area is utilized for the conduct of a business that involves the display and sale of goods or merchandise on the premises.

OFFICE MEDICAL, OR DENTAL: Section repealed. (Ord. 1572, 06-03-2019) 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.

ORDINARY HIGH WATER LEVEL: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

OUTDOOR DISPLAY: The display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.

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

OUTDOOR STORAGE, EQUIPMENT AND GOODS: Storage of equipment (e.g., household lawn/garden implements, larger construction equipment, trailers, etc.) or salable goods on racks, pallets, bundles, etc., outside of an enclosed building. For the purpose of outdoor storage regulation, “equipment” does not include snow removal machinery that may be seasonally present on a property for on-site use.

OUTDOOR STORAGE, FLEET VEHICLES: Storage outside of an enclosed building of fleet vehicles, ranging in size from passenger cars to commercial trucks, which are in active use by a rental agency, dispatch service, or other similar distribution or transportation service. Inoperable vehicles in need of repair or vehicles which are stored for seasonal use (e.g. snow plows in summer months) are defined and regulated as inoperable/out of service vehicles or equipment.

OUTDOOR STORAGE, INOPERABLE/OUT OF SERVICE VEHICLES OR EQUIPMENT: Storage outside of an enclosed building of vehicles or equipment which are in need of repair or unused for more than 72 hours.

OUTDOOR STORAGE, LOOSE MATERIALS: Storage outside of an enclosed building of gravel, rock, mulch, sand, salt, or other such material stored in piles or bins.

OVERHEAD DOOR: A door for vehicle access to loading docks, service bays, garages, or other similar areas that opens vertically or horizontally.

OWNER (OF BUILDING OR LAND): Any sole owner, part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety.

P.

PARKING FACILITY: An area used for parking of customer or employee vehicles; includes parking lots and parking structures.

PARKING LOT: A one-level, surfaced, open-to-the-air area used for parking vehicles.

PARKING SPACE: A paved surface located in a permanently maintained area, either within or outside of a building, of sufficient size to store one automobile.

PARKING STRUCTURE: A multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp.

PAWN SHOP: Any business establishment operated by a Pawnbroker as defined in Chapter 311 of the Roseville City Code, in which pawn transactions take place.

PERMITTED: Designates a use or structure which may be lawfully established in a particular district, provided it conforms with all requirements and regulations of the district in which it is located.

PERSON: The word “person” shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever a violation of any section of the City Code is punishable by a penalty or fine, and whenever the word “person” is used in such section for which a penalty is imposed for such violation, “person” shall include partners or members of partnerships or associations, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of said section.

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 storm water 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.

PHOTOVOLTAIC SYSTEM: An active solar energy system that converts solar energy directly into electricity.

PLACE OF ASSEMBLY: A facility providing for the assembly of persons for interaction as a primary use, including community centers, and religious institutions. Place(s) of assembly do not include community education or art centers, schools, instructional centers, day care facilities, family day shelters, conservatories, convention centers, libraries, museums, residential dwellings, recreational and

entertainment facilities, theaters, or social service distribution facilities which fall under separate definitions in this Code.

PLANT NURSERY: See greenhouse.

PLAY EQUIPMENT: Equipment used by residents of a principal building for on-premises games and sports, including but not limited to swings, slides, climbers, teeter-totters, basketball baskets and backboards, badminton nets, and similar equipment, but not including recreational devices normally utilized off the premises, including but not limited to boats, boat trailers, campers, travel trailers, and snowmobiles.

PORTABLE STORAGE UNITS: A portable structure used for temporary storage of household goods in residential areas.

PRINCIPAL: Designates the main use(s) or structure(s) to which the premises are devoted or the primary purpose(s) for which the premises exist.

PROPERTY: The word “property” shall include tangible or intangible, real, personal, or mixed property.

PUBLIC WAY: Any sidewalk, street, alley, highway, or other public thoroughfare.

Q.

R.

RECREATIONAL VEHICLE: Any properly and currently licensed vehicular, portable structure which is

1. built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses;
2. any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation;
3. any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle; and
4. any folding structure, mounted on wheels and designed for travel, recreation and vacation use.

RECYCLING CENTER: A facility for the deposit, sorting, or batching, including limited compacting or crushing of recyclable materials, but no further processing of post-consumer recyclable materials.

RENEWABLE ENERGY EASEMENT: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

RENEWABLE ENERGY SYSTEM: A solar energy or wind energy system. Passive systems that serve dual functions, such as greenhouses or windows, are not considered renewable energy systems.

RESTAURANT, FAST FOOD: An establishment where customers are served their food from a counter or in a motor vehicle, mostly in disposable packages prepared to leave the premises or to be taken to a table or booth for consumption on the premises. Fast food can be a café, coffee shop, ice cream shop, and/or deli. Fast food restaurants may or may not serve intoxicating alcoholic beverages to be consumed upon the premises. Food sales shall account for over 50% of the gross receipts at any restaurant serving

intoxicating alcoholic beverages. Fast food restaurants may include drive-through facilities, which are regulated separately.

RESTAURANT, TRADITIONAL: An establishment in which customers are served their food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within a building, and which may or may not serve intoxicating alcoholic beverages to be consumed upon the premises. Food sales shall account for over 50% of the gross receipts at any restaurant serving intoxicating alcoholic beverages. Traditional restaurants may also be a café, cafeteria or buffet, coffee shop, and/or deli. Customers may take away food, but drive-through facilities are not allowed.

RETAIL, GENERAL AND PERSONAL SERVICES: Includes the retail sale of products and/or consumer services to the general public and produces minimal off-site impacts.

RETAIL, LARGE FORMAT: Where retail building size is regulated, a large format retail use is a stand-alone, single-tenant retail structure with a gross floor area of 100,000 square feet or more, distributed on one or more stories. This includes interior space that may be leased to third-party financial, clinical, or other service providers accessible to customers within the large format retail store, but does not include typical multi-tenant retail centers or regional malls that may comprise gross floor area of more than 100,000 square feet. (Ord. 1483, 10/26/2015)

REVERSE CORNER: See lot, reverse corner.

RIGHT-OF-WAY: The words “right-of-way” shall include any street, alley, boulevard, parkway, highway, or other public thoroughfare.

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.

ROOM: A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom, or bedroom through a bathroom situation is created.

ROOMER: A person living in a dwelling unit who is other than part of the family because of blood, marriage, or legal adoption, and is other than a foster child.

ROWHOUSE: See townhouse.

S.

SALVAGE YARD: See junkyard.

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: A hedge, wall, or fence to provide a visual separator and physical barrier not less than 4 feet nor more than 6 feet in height, unless otherwise provided for in this ordinance.

SEASONAL SALES, OUTDOOR: Outdoor seasonal retail sales, where permitted, including but not limited to the seasonal sale of Christmas trees, plants, flowers, vegetables and related products available on a seasonal basis.

SECONDHAND STORE: See CONSIGNMENT STORE.

SELF-STORAGE FACILITY: See MINI-STORAGE FACILITY.

SENIOR HOUSING: A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from assisted living or nursing homes.

SERVICES, PERSONAL: See RETAIL, GENERAL.

SETBACK: The minimum distance by which any building or structure must be separated from a street right-of-way, lot line, or ordinary high water level. Also known as "required yard."

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

SETBACK, REAR: The minimum distance by which any building or structure must be separated from the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining the rear yard setback.

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

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

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

SIGN: A name, identification, description, display, illustration, or device which is affixed, painted, or represented directly or indirectly upon the outside of a building, structure, or piece of land 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. Official court or public notices, or any flag, emblem, or insignia of a nation, political unit, school, or religious group, shall not be considered a sign under this ordinance. See Section 1010.02 for additional sign definitions.

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 Code and is in a single ownership or has multiple owners, all of whom execute a joint application for development.

SPORTS CLUB: See health club.

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 AM and 3:00 PM 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 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 generating, or water heating.

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, BUILDING-INTEGRATED: An active solar 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. Building- integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

SOLAR SYSTEM, GRID-INTERTIE: 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.

SOLAR SYSTEM, PASSIVE: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

START OF CONSTRUCTION: For the purpose of floodplain regulation only, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE: The word “State” shall mean the State of Minnesota.

STORAGE, OUTDOOR: See OUTDOOR STORAGE.

STORY: A story is that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of this ordinance, there shall be only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than 50%.

STREET: A public right-of-way which affords a primary means of access to abutting property.

STRUCTURE: A structure is anything constructed or erected, including paved surfaces, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of floodplain areas, in the stream bed or lake bed.

SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over 24 inches.

T.

TAPROOM: An area for the on-sale consumption of cider, mead, beer or other beverages made from malt by fermentation produced for consumption on the premises of a brewery. A taproom may also include sale for off-premises consumption of cider, mead, beer or other beverages made from malt by fermentation produced at the brewery location and owned by the brewery for off-premises consumption, packaged subject to Minnesota Statute 340A.301, subdivision 7(b), or its successor. (Ord. 1566, 10-22-2018)

TELECOMMUNICATION FACILITIES: Any plant or equipment used to carry wireless commercial telecommunications services by radio signal or other electromagnetic waves, including towers, antennas, equipment buildings, parking area, and other accessory development.

TELECOMMUNICATIONS TOWER: A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than 15 feet tall and 6 inches in diameter supporting one or more antennas, dishes, or arrays shall be considered a telecommunications tower.

TENANT: Any person who occupies the whole or any part of a building or land, either alone or with others.

THEATER: A facility for presenting motion pictures or live performances for patrons. This term includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.

TOWNHOUSE: A form of one-family attached dwelling.

TRAILER: Any structure which is or may be mounted upon wheels for moving about, is drawn by an external motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation, or is used for hauling purposes.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Measures, including but not limited to carpooling, vanpooling, public transit bicycling, walking, telecommuting, and compressed or deviated work schedules, that reduce individual vehicle trips and promote alternatives to single occupant vehicle use especially at peak commuting times.

TREE: A self-supporting woody perennial having one or several self-supporting stems or trunks and numerous branches which normally attains an overall height of 15 feet at maturity. Trees may be classified as deciduous or evergreen.

TREE, CANOPY: A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

TREE, CONIFEROUS/EVERGREEN: A woody plant having foliage on the outermost portions of the branches year-round which at maturity is at least twelve (12) feet or more in height. Tamaracks and Larch are included as coniferous tree species.

TREE, DECIDUOUS: A woody plant, which sheds leaves annually, having a defined crown and at maturity is at least fifteen (15) feet or more in height.

TREE INVASIVE: Any tree species that is not native to Minnesota or its regional ecosystem that can spread or be spread into any non-cultivated soil site and establish itself, expanding the plant species' population by its own volition and generally harm, destroy or prevent native plants. Invasive tree species include Norway Maple, Black Locust, Amur Maple, Siberian Elm, and Buckthorn.

TREE, ORNAMENTAL: Any tree planted primarily for its ornamental value of for screening purposes and tends to be smaller at maturity than canopy trees.

TREE, OVERSTORY: A self-supporting woody plant or species normally growing to a mature height over 25 feet and a mature spread of at least 25 feet. Many overstory trees are considered deciduous trees.

TREE PROTECTION ZONE: An area around a tree defined by either the tree's unique dripline, or the tree's typical root protection zone.

TREE, UNDERSTORY: A self-supporting woody plant or species normally growing to a mature height between 15 and 30 feet and a mature spread of at least 15 feet. Many understory trees are considered ornamental trees.

TYPICAL ROOT PROTECTION ZONE: A circle radius around a tree in feet equal to 1.25 times the tree's diameter breast height (in inches) for both deciduous and coniferous trees.

U.

UNIVERSITY: See COLLEGE.

USABLE OPEN SPACE: That portion of a site, outside of a required front or corner side yard, as extended to the rear lot line, that is available to all occupants for outdoor use. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than 5 feet, and pervious pavement may be included in usable open space. Usable open space may include balconies and roof decks where specified in this ordinance.

USE: The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

USE, CONDITIONAL: A conditional use is a use or structure which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A special exception to the height standards of this ordinance may also be allowed as a conditional use, where specified. After due consideration, as provided for in this ordinance, of the impact of such use or exception upon neighboring land and of the public need for the particular use at a particular location, the conditional use may or may not be granted.

V.

VEHICLE: See MOTOR VEHICLE.

VETERINARY CLINIC: See ANIMAL HOSPITAL.

W.

WAREHOUSE: An enclosed building with the principle use of storing materials or equipment. (Ord. 1544 2-12-2018)

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 not support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

WHOLESALE ESTABLISHMENT: An establishment providing storage, distribution, and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale, or retail sales of goods received by the establishment but generally not sale of goods for individual consumption.

X.

Y.

YARD: Open space on a lot between the principal building and the adjoining lot lines.

YARD, FRONT: A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR: A yard extending along the full length of the rear lot line between the side lot lines.

YARD, REQUIRED: See SETBACK.

YARD, SIDE: A yard extending along a side lot line from the front yard to the rear yard.

YARD SALE: See GARAGE SALE.

Z.

(Ord. 1427, 7-9-2012) (Ord. 1451, 08-12-2013) (Ord. 1490, 12/7/2015)

CHAPTER 1002 ADMINISTRATION AND ENFORCEMENT

SECTION:

1002.01: Introduction

1002.02: Enforcement

1002.03: Revocation

1002.04: Nonconforming Use

1002.05: Official Zoning Map Changes and Chapter Amendments

1002.06: Authority and Duties for Administration

1002.01: INTRODUCTION

A. Title 10, Zoning Ordinance, shall be administered and enforced by the Community Development and Police Departments. No building permit shall be issued until the Community Development Department has certified that the proposed building or alteration complies with all the provisions of the Zoning Ordinance.

B. The Community Development and Police Departments shall have all the powers, duties, and responsibilities necessary to enforce the provisions of the Zoning Ordinance.

1002.02: ENFORCEMENT

A. Any person, firm, or corporation shall be guilty of a misdemeanor who:

1. Violates, disobeys, admits, neglects, or refuses to comply with any provision of the Zoning Ordinance; or

2. Resists the enforcement of any of the provisions of the Zoning Ordinance.

B. Separate Offences: Each day that a violation continues to exist shall constitute a separate offense punishable under the City Code.

1002.03: REVOCATION

If an approved conditional use or interim use is in violation of this Title or the conditions of approval, the City may initiate a process to revoke the conditional use or interim use. The City shall then conduct a public hearing to consider the revocation of a conditional use approval. Notifications shall be distributed and published according Chapter 108 of the City Code. In considering revocation, the Commission and the City Council shall consider compliance with the approved conditions of the conditional use or interim use and the standards listed identified in Chapter 1009, Procedures. Following a vote by the City Council to revoke the conditional use or interim use, the City shall file a certified copy thereof including a legal description of the property with the County Recorder and/or Registrar of Title.

1002.04: NONCONFORMING USE

A. Any legal nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this Title, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

1. The nonconformity or occupancy is discontinued for a period of more than 1 year; or
2. Any nonconforming structure is destroyed by fire or other peril to the extent of greater than 50% of its market value and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
3. Exceptions: Notwithstanding the preceding requirements, pre-existing nonconforming structures or uses on LDR- or LMDR-zoned properties, including those within Shoreland or Wetland Management Districts, may be expanded when:
   a. Nonconforming setbacks are not further reduced;
   b. Nonconforming building separations are not further reduced;
   c. Nonconforming height is not further increased;
   d. Nonconforming improvement area is not further increased; and e. No new nonconforming conditions are created.

B. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

C. Notwithstanding subparagraph A, above, the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas consistent with the City's Floodplain Ordinance.

D. Unimproved Lots: Any platted lot existing on January 1, 2011, and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a lawful structure, even though its area and width are less than the current minimum requirements so long as the remaining zoning requirements are met (or as a variance may permit).

E. All Districts Exception: Where a pre-existing principal or accessory structure, including expansion thereof, for which a property line setback dimension has been made substandard by eminent domain or other formal public agency action, such structure shall be considered a legally conforming structure. All future additions to the structure or use shall meet the current required setback from the revised property or easement line.

1002.05: OFFICIAL ZONING MAP CHANGES AND CHAPTER AMENDMENTS

A. No change shall be made in the boundary line of any zoning district, in the permitted and/or conditional uses, or in the regulation for any zoning district except through the procedure established in Section 1009.06 of this Title.

B. The adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from a residential district to a commercial, community

mixed-use, employment, or institutional district requires a two- thirds majority of all members of the City Council.

1002.06: AUTHORITY AND DUTIES FOR ADMINISTRATION

The City officials and bodies identified in this section, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Title.

A. Community Development Department

1. Membership: The Community Development Department shall be comprised of positions created by the City Council which are primarily responsible for matters related to land use, zoning, building permits, code enforcement, and development.

2. Duties: The Community Development Department shall have the following responsibilities:

   a. Conduct inspections of buildings and uses of land to determine compliance with the provisions of this Title;

   b. Maintain permanent and current records of this Title, including, but not limited to, all associated maps, amendments, conditional uses, variances, and appeals;

   c. Receive, file, and forward all applications for building permits, appeals, variances, conditional use, interim use, zoning ordinance amendments, or other matters to the appropriate decision-making body;

   d. Hold pre-application meetings, as necessary;

   e. Make a determination of compliance with this Title on all applications for building permits, land use applications, and certificates of occupancy;

   f. Provide zoning information to residents and others upon request; and g. Interpret the provisions of this Title.

B. Development Review Committee:

1. Membership: The Development Review Committee (DRC) shall be composed of City staff members representative of departments and/or divisions of the City dealing with various aspects of development and land use.

2. Duties: The DRC shall have the following responsibilities:

   a. Reviewing land use applications for conformance with the technical requirements of this Code, maintaining a schedule for processing the application within the time frames of this Code and of State law, and as necessary, meeting with applicants and soliciting comments of other public agencies; and

   b. To determine land use application completeness and to develop appropriate information and recommendations in order to adequately and appropriately advise City Commissions and the City Council on land use applications.

3. Meetings: The DRC shall meet when necessary as land use applications are received and/or other proposed developments require review and comment of the full committee.

C. Administrative Deviation Committee:

1. Membership: The Administrative Deviation Committee (ADC) shall comprise members of the Development Review Committee from the Public Works and Community Development Department.

2. Duties: The ADC shall review applications for administrative deviation made pursuant to Section 1009.01 of this Title, and provide recommendations pertaining to the approval or denial of the request to the Community Development Director.

3. Meetings: The ADC shall meet as necessary to review and process Administrative Deviation applications.

D. Master Sign Committee:

1. Membership: The Master Sign Plan Committee shall be composed of members of the Community Development Department and, when deemed necessary, other members of the City staff may be invited to attend and provide comments and a recommendation regarding a proposed Master Sign Plan (MSP).

2. Duties: The Master Sign Plan Committee shall have the following responsibilities:

   a. To establish fair and equitable criteria for complex signage situations that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification.

   b. To review proposed MSP's and their specifications for conformance with the technical requirements of Chapter 1010 of this Title.

   c. To provide applicants with necessary and/or applicable modifications in accordance with MSP criteria.

   d. To approve all Master Sign Plans.

3. Meetings: The Master Sign Plan Committee shall meet as necessary to take action on submitted MSP applications.

E. Planning Commission:

1. Membership and organization of the Planning Commission is established in Chapter 201 of the City Code.

2. Duties: The Planning Commission shall have the following responsibilities:

   a. Hear and make recommendations to the City Council regarding all applications for conditional uses;

   b. Hear and make recommendations to the City Council regarding applications for interim uses;

   c. Hear and make recommendations to the City Council regarding all applications for an amendment to this Title, both text amendments and amendments to the district boundaries on the Official Zoning Map;

   d. Review this Title from time to time and make recommendations to the City Council that changes be initiated;

e. Hear and make recommendations on any other matter referred to it by the City Council; and

f. Adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record.

3. Meetings: The Commission shall hold at least one regular meeting on the first Wednesday of each month, as necessary.

F. Variance Board

1. Membership: In accordance with MN Stat. 462.354, as may be amended, the Variance Board shall be comprised of 3 members and 1 alternate appointed by the City Council from among the members of the Planning Commission.

2. Duties: The Variance Board shall hear and make decisions on all applications for a variance from the literal provisions of this Title.

3. Meetings: The Variance Board shall meet on the first Wednesday of each month, as necessary.

G. City Council

1. Authority: The City Council shall have the authority given to it by state statutes.

2. Duties: The City Council shall hear and make the final decision on all matters identified as requiring City Council action in this Title.

H. Board of Zoning Adjustments and Appeals

1. Membership: In accordance with MN Stat. 462.354, as amended, the City Council will act as the Board of Zoning Adjustments and Appeals.

2. Duties: The Board of Zoning Adjustments and Appeals hears and makes decisions on all applications for an appeal of any administrative order, requirement, determination, final decision made by the Community Development Department, or an appeal of a variance decision by the Variance Board, pursuant to the appeal procedure established in Section 1009.08 of this Title.

(Ord. 1403, 12-13-2010)

CHAPTER 1003 ESTABLISHMENT OF DISTRICTS, BOUNDARIES AND DISTRICT REGULATIONS

SECTION:

1003.01: Districts

1003.02: Official Zoning Map

1003.01: DISTRICTS

For the purpose of the Zoning Ordinance, the City is divided into the districts specified in this Section.

A. Residential Districts

1. LDR~~-1~~, Low Density Residential ~~(One-Family)~~ District~~—1~~
2. ~~LDR-2, Low Density Residential~~ LMDR, Low to Medium Density District~~—2~~
3. MDR, Medium Density Residential District
4. HDR~~-1~~, High Density Residential District ~~—1~~
5. ~~HDR-2, High Density Residential District—2~~

B. ~~Commercial and~~ Mixed Use Districts~~-~~

1. ~~NB, Neighborhood Business~~MU-1, Neighborhood Mixed Use District
2. MU-2A, Community Mixed Use A District
3. MU-2 B, Community Mixed Use B District
4. ~~2.~~ ~~CB, Community Business~~ MU-3, Corridor Mixed Use District
5. ~~3.~~ ~~RB, Regional Business~~ MU-4, Core Mixed Use District
6. ~~CMU—1, Community Mixed Use District—1~~
7. ~~CMU—2, Community Mixed Use District—2~~
8. ~~CMU—3, Community Mixed Use District—3~~
9. ~~CMU—4, Community Mixed Use District—4~~

(Ord. 1483, 10/26/2015)

C. Employment Districts

1. ~~O/BP, Office/Business Park~~ E-1, Employment District
2. E-2, Employment Center District
3. ~~2.~~ I, Industrial District

D. Other Districts

1. INST, Institutional District
2. PR, Park and Recreation District

1003.02: OFFICIAL ZONING MAP

A. The location and boundaries of the districts established by the Zoning Code are hereby set forth on the zoning map, which shall consist of ~~13~~ 14 districts, entitled "Official Zoning Map" dated ~~December 13, 2010~~November 8, 2021. This map is hereby adopted as the official zoning map of the City. The Official Zoning Map shall become part of the Zoning Code as set forth and described herein.

B. The Official Zoning Map shall be identified by the signature of Mayor and City Manager under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance 1402 of the City of Roseville, Minnesota".

C. Regardless of the existence of the printed copies of the zoning map which may from time to time be made or published, the Official Zoning Map located at City Hall shall be the final authority as to the current zoning status of land, platted areas, buildings, and other structures in the City.

D. All of the lands in the City shown within the district lines on the zoning map and designated as provided in Title 10 are hereby zoned as indicated in their respective districts.

E. Boundary Lines: District boundary lines recorded on the zoning map are generally intended to follow lot lines, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-way lines, the center of watercourses, or the corporate limit lines as they exist at the time of the enactment of the Zoning Ordinance. Where uncertainty exists with respect to the boundaries of any of the established districts as shown on the zoning map, the rules of this Section shall apply.

1. Boundaries of Public Right-of-Way: Boundaries indicated as approximately following the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways shall be construed to be such district boundaries.

2. Boundaries Parallel to the Right-of-Way: Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, alleys, highways, railroads, etc., the district boundaries shall be construed as being parallel thereto and distant therefrom as indicated on the zoning map.

3. Boundaries on Shorelines: District boundaries following a lake, wetland, or other body of water shall be construed to be at the limit of the jurisdiction of the City unless otherwise indicated.

4. Areas Under Water: All areas within the corporate limits under water shall be subject to all of the regulations of the district which immediately adjoins the water area.

5. Public or Semi-Public Property: Any areas shown on the zoning map as parks, playgrounds, schools, cemeteries, water, etc., shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.

6. Vacated Property: Whenever any street, alley, or other public way is vacated, the zoning district adjoining the vacated property shall be automatically extended to the center of the vacated area. Further, all area included therein shall be subject to all regulations of the extended district.

7. Boundaries on Lot Lines: Boundaries indicated as approximately platted lot lines shall be construed as following such lot lines.

8. Boundaries on City Limit Lines: Boundaries indicated as approximately following City limits shall be construed as following City limits.

F. Maintenance of Map and Amendments: It shall be the responsibility of the Community Development Department to maintain the Official Zoning Map. Amendments shall be recorded on such zoning map within a reasonable time after official publication of amendments. The Official Zoning Map shall be kept on file in the City offices and shall be open to public inspection at all times during which the City offices are customarily open.

(Ord. 1403, 12-13-2010)

CHAPTER 1004 RESIDENTIAL DISTRICTS

SECTION:

1004.01: Statement of Purpose

1004.02: Accessory Buildings

1004.03: Residence Relocations

1004.04: Existing Setbacks

1104.05 Building Arrangement

1004.~~05~~06: One- and Two-Family Design Standards

1004.~~06~~07: Multi-Family Design Standards

1004.~~07~~08: Table of Allowed Uses

1004.~~08~~09: Low Density Residential ~~(One-Family) - 1 (LDR-1)~~ (LDR) District

1004.~~09~~10: Low to Medium Density Residential ~~- 2 (LDR-2)~~ (LMDR District

1004.~~10~~11: Medium Density Residential (MDR) District

1004.~~11~~12: High Density Residential (HDR) District~~s (HDR-1 and HDR-2)~~

1004.01: STATEMENT OF PURPOSE

The residential districts are designed to protect and enhance the residential character and livability of existing neighborhoods, and to achieve a broad and flexible range of housing choices within the community. Each residential district is designed to be consistent with the equivalent land-use category in the Comprehensive Plan: Low-Density Residential, Medium-Density Residential, and High-Density Residential. The districts are also intended to meet the relevant goals of the Comprehensive Plan regarding residential land use, housing, and neighborhoods.

1004.02: ACCESSORY BUILDINGS

A. One- and Two-Family Dwellings: The following standards apply to accessory buildings that serve one- and two-family dwellings.

   1. Number Allowed: Each principal dwelling unit is allowed up to two detached accessory buildings for storage meeting the standards in Table 1004-1.

   2. Accessory Building Performance Standards: Accessory buildings for storage totaling 1,008 square feet may be permitted if the Community Development Department determines that three of the following performance standards have been met:

      a. Matching the roof pitch to be similar to that of the principal structure;

      b. Adding windows or architectural details to improve the appearance of rear and side walls;

      c. Using raised panels and other architectural detailing on garage doors;

      d. Increasing side and/or rear yard setback(s); or

1208 e. Installing landscaping to mask or soften the larger building.

Table 1004-1	Accessory building
Maximum combined storage size/area	864 square feet; up to 1,008 square feet by meeting performance standards in Section 1004.02A.2. In any case, combined area of accessory buildings shall not exceed 85% of the footprint of the principal structure.
Maximum height	15 feet; 9 feet wall height [a]
Minimum front yard building setback	30 feet[b]
Minimum rear yard building setback	5 feet
Minimum side yard building setback	
Interior	5 feet
Corner	10 feet [d]
Reverse corner	Behind established building line of principal structure
Minimum setback from any other building or structure on the lot	5 feet

a. Notwithstanding the allowed maximum height, the height of an accessory building shall not exceed the height of the principal structure.

b. Where the natural grade of a lot at the building line of a house is 8 feet or more above the established street centerline, the Community Development Department may permit a detached garage to be erected within any required yard to enable a reduction of the slope of the driveway to as little as 10%, provided that at least one-half of the wall height is below grade level.

c. Accessory buildings containing an Accessory Dwelling Unit shall have the same rear yard setback as required in Table 1004-3 for principal buildings.

d. The corner side yard setback requirement applies where a parcel is adjacent to a side street or right- of-way. The required setback from an unimproved right-of-way may be reduced to the required interior side yard setback by the Community Development Department upon the determination by the public Works Director that the right-of-way is likely to remain undeveloped. (Ord. 1418, 10-10-2011) (Ord. 1450, 08-12-2013) (1487, 11/20/2015) (Ord.

1530, 7-10-2017)

1209 B. Attached and Multi-family Buildings: Attached and multi-family buildings are allowed one storage or
1210 maintenance structure and one garden shed per complex, plus detached garage structures as needed.

Accessory buildings and sheds shall be located in rear or side yards behind the front building line of the principal structure. Accessory buildings and sheds shall be set back a minimum of 10 feet from rear or side lot lines and from principal buildings.

C. Color, Design, and Materials: The exterior design and materials of an accessory storage building greater than 120 square feet in area and/or greater than 12 feet in height shall be similar to or compatible with those of the principal structure.

D. Driveway Required: Any accessory building used for storing one or more motorized vehicles and/or trailers shall be served by a hard-surfaced driveway to an adjacent public street, if any of these items are removed from the accessory building more than 2 times in a 10-day period.

E. Construction Timing: Accessory buildings shall not be constructed prior to the construction of the principal structure on the same site.

F. Permit Required: Permits are required for all detached accessory buildings prior to construction.

1004.03: RESIDENCE RELOCATIONS

In order to protect the character of residential neighborhoods, relocated dwellings shall meet all standards of the zoning district where they will be located. Relocations of dwellings require a relocation permit.

1004.04: EXISTING SETBACKS

If existing houses on 50% or more of the frontage of any block have a predominant front yard setback less than the minimum required in this chapter, any new construction on that block frontage may have a reduced front yard setback equal to the average front yard setback of the two adjacent houses on the same side of the street.

1004.05: BUILDING ARRANGEMENT

Buildings in residential districts may be organized in several ways, including the examples in this section:

A. Arranged along the street without a common open space. Open space is provided on individual lots or on privately defined spaces to the rear of attached dwellings.

B. Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings.

1. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit;

2. One-family detached dwellings arranged this way would be considered Courtyard Cottage dwellings.

C. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.

~~1004.05:~~1004.06: ONE AND TWO-FAMILY DESIGN STANDARDS

A. One- and Two-Family Design Standards: The standards in this section are applicable to all one- and two-family buildings, with the exception of accessory dwelling units. The intent of these standards is to create streets that are pleasant and inviting, and to promote building faces which emphasize living area as the primary function of the building or function of the residential use.

   1. Garage doors shall not occupy more than 40% of the building facade (total building front); and

   2. Garage doors shall be allowed to extend forward a maximum of 5-feet from the predominant portion of the principal use, while still required to meet the 3-=foot principal structure front yard setback and

   3. Homes with an attached garage that is set back 100 feet or more from the front property line are exempt from meeting the requirement in "a" above, but must meet all other requirements of Section 1004.~~05A~~06A (Ord. 1405, 2-28-2011) (Ord. 1470, 8-11-2015)

B. Requirements Apply to All New Construction: On lots with physical constraints, such as lakefront lots, where the Community Development Department determines that compliance with these requirements is impactful, the Community Development Department may waive the requirements and instead require design enhancements to the garage doors to ensure that the purpose of the requirements is achieved. Design enhancements required for garage doors where the preceding requirements cannot be met may include such things as paint, raised panels, decorative windows, and other similar treatments to complement the residential portion of the facade.

~~1004.06:~~1004.07: MULTI-FAMILY DESIGN STANDARDS

The standards in this Section are applicable to all structures that contain three or more units. Their intent is to encourage multi-family building design that respects its context, incorporates some of the features of one-family dwellings within the surrounding neighborhood, and imparts a sense of individuality rather than uniformity.

The following standards apply to new buildings and major expansions (i.e., expansions that constitute 50% or more of building floor area). Design standards apply only to the portion of the building or site that is undergoing alteration.

A. Orientation of Buildings to Streets: Buildings shall be oriented so that a primary entrance faces one of the abutting streets. In the case of corner lots, a primary entrance shall face the street from which the building is addressed. Primary entrances shall be defined by scale and design.

B. Street-facing Facade Design: No blank walls are permitted to face public streets, walkways, or public open space. Street-facing facades shall incorporate offsets in the form of projections and/or recesses in the facade plane at least every 40 feet of facade frontage. Wall offsets shall have a minimum depth of 2 feet. Open porches and balconies are encouraged on building fronts and may extend up to 8 feet into the required setbacks. In addition, at least one of the following design features shall be applied on a street- facing facade to create visual interest:

   1. Dormer windows or cupolas;

   2. Recessed entrances;

3. Covered porches or stoops;
4. Bay windows with a minimum 12-inch projection from the facade plane;
5. Eaves with a minimum 6 inch projection from the facade plane; or
6. Changes in materials, textures, or colors.

C. Four-sided Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings.

D. Maximum Length: Building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.

E. Landscaping of Yards: Front yards must be landscaped according to Chapter 1011, Property Performance Standards.

F. Detached Garages: The exterior materials, design features, and roof forms of garages shall be compatible with the principal building served.

G. Attached Garages: Garage design shall be set back and defer to the primary building face. Front loaded garages (toward the front street), if provided shall be set back a minimum of 5 feet from the predominant portion of the principal use. (Ord. 1405, 2-28-2011)

H. Surface Parking: Surface parking shall not be located between a principal building front and the abutting primary street except for drive/circulation lanes and/or handicapped parking spaces. Surface parking adjacent to the primary street shall occupy a maximum of 40% of the primary street frontage and shall be landscaped according to Chapter 1019, Parking and Loading Areas.

I. All exterior wall finishes on any building must be a combination of the following materials: face brick, natural or cultured stone, textured concrete block, stucco, wood, vinyl siding, fiber-reinforced cement board and prefinished metal, or similar materials approved by the Community Development Department. (Ord. 1494A, 2/22/2016)

~~1004.07:~~1004.08: TABLE OF ALLOWED USES

(Ord. 1405, 2-28-2011)

Table 1004-2 lists all permitted and conditional uses in the residential districts.

A. Uses marked as “P” are permitted in the districts where designated.

B. Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.

C. Uses marked as “NP” are not permitted in the districts where designated.

D. Uses marked with a “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

Table 1004-2	LDR~~-1~~	~~LDR-2~~LMDR	MDR	HDR~~-1~~ ~~HDR-2~~	Standards
Residential - Family Living					
Dwelling, one-family detached	P	P	P	NP	
Dwelling, two-family detached (duplex)	~~NP~~P	P	P	NP	
Dwelling, two-family attached ~~dwelling~~ (twinhome)	~~NP~~P	P	P	NP	
Dwellings, courtyard cottage	P	P	P	NP	
Dwelling, one-family attached (townhome, rowhouse)	NP	C	P	P	
Dwelling, three-family	NP	P	P	NP	
Dwelling, four-family	NP	P	P	NP	
Dwelling, multi-family (~~3~~5-8 units per building)	NP	NP	P	P	
Dwelling, multi-family (more than 8 units per building)	NP	NP	C	P	
Manufactured home park	~~NP~~C	~~NP~~C	~~NP~~C	C	Y
Dwelling unit, accessory	P	~~NP~~P	NP	NP	Y
Live-work unit	NP	NP	NP	C	Y
Residential - Group Living					
Community residential facility, state licensed, serving 1-6 persons	P	P	NP	NP	Y
Community residential facility, state licensed, serving 7-16 persons	NP	NP	C	C	Y

Table 1004-2	LDR~~-1~~	~~LDR-2~~LMDR	MDR	HDR~~-1~~ ~~HDR-2~~	Standards
Nursing home	NP	NP	C	C	Y
Assisted living facility	NP	NP	P	P	Y
Accessory Uses					
Bed and breakfast establishment	C	C	NP	NP	Y
Home occupation	P	P	P	P	Y
Day care facility, family	P	P	P	P	Y
Day care facility, group family	C	C	C	C	Y
Day care center	NP	NP	C	C	Y
Roomer, boarder	P	P	P	P	Y
Accessory Buildings and Structures					
Accessibility ramp and other accommodations	P	P	P	P	
Detached garages and off-street parking space	P	P	P	P	
Gazebo, arbor, patio, play equipment, treehouse, chicken coop, etc.	P	P	P	P	
Renewable energy system	P	P	P	P	Y
Swimming pool, hot tub, spa	P	P	P	P	Y
Tennis and other recreational courts	P	P	P	P	Y
Garden shed and similar buildings for storage of domestic supplies and equipment	P	P	P	P	Y
Communications equipment - shortwave radio and TV antennas	P	P	P	P	Y

Table 1004-2	LDR~~-1~~	~~LDR-2~~LMDR	MDR	HDR~~-1~~ ~~HDR-2~~	Standards
Temporary Uses					
Temporary structure, construction sites	P	P	P	P	Y
Garage and boutique sales	P	P	P	P	Y
Personal storage container	P	P	P	P	Y
Seasonal garden structure	P	P	P	P	Y
Private garden, community garden	P	P	P	P	Y
(Ord. 1418, 10-10-2011)					

~~1004.08:~~1004.09: LOW DENSITY RESIDENTIAL ~~(ONE-FAMILY) (LDR-1)~~(LDR) DISTRICT

A. Statement of Purpose: The LDR~~-1~~ District is designed to be the lowest density residential district. The intent is to provide for a residential environment of predominantly low-density housing types, including one-family dwellings, accessory dwelling units, two-family dwellings, and courtyard cottages, along with related uses such as public services and utilities that serve the residents in the district. The district is established to stabilize and protect the essential characteristics of existing residential areas, and to protect, maintain, and enhance wooded areas, wetlands, wildlife and plant resources, and other sensitive natural resources.

B. Dimensional Standards: Specific dimensional standards developments in the LDR district are established in the table below but developments may be organized according to Section 1004.05 (Building Arrangement), above.

Table 1004-3	~~LDR-1~~One-Family	Two-Family	Courtyard Cottage
Minimum density	1.5 Units/net acre - averaged across development site		
Maximum density	8 Units/net acre - averaged across development site		
Minimum Lot Area	9,350 sq. ft.	5,500 sq. ft./unit	5,500 sq. ft./unit
~~Interior~~	~~11,000 square feet~~		
~~Corner~~	~~12,500 square feet~~		

Table 1004-3	~~LDR-1~~One-Family	Two-Family	Courtyard Cottage
Minimum Lot Width	85 feet	45 feet/unit	N/a
~~Interior~~	~~85 feet~~		
~~Corner~~	~~100 feet~~		
Minimum Rear Lot Width[d]	45 feet	45 feet	N/a
~~Minimum Lot Depth~~			
~~Interior~~	~~110 feet~~		
~~Corner~~	~~100 feet~~		
Maximum Building Height	30 feet		
Minimum Front Yard Building Setback	30 feet[a, b]		
Minimum Side Yard Building Setback			
Interior	5 feet		
Corner	10 feet[c]		
Reverse corner	Equal to existing front yard of adjacent lot, but not greater than 30 feet		
Minimum rear yard setback	30 feet		

a See Section 1004.04, Existing Setbacks.

b Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front property line.

c The corner side yard setback requirement applies where a parcel is adjacent to a side street or right-of- way. The required setback from an unimproved right-of-way may be reduced to the required interior side yard setback by the Community Development Department upon the determination by the Public Works Director that the right-of-way is likely to remain undeveloped.

d. The horizontal distance between side lines of a lot, measured at right angles to its depth at the minimum required rear yard building setback line.

(Ord. 1411, 6-13-2011) (Ord. 1452, 09-09-2013) (Ord. 1530, 7-10-2017)

C. Improvement Area: Improvement area, including paved surfaces, the footprints of principal and accessory buildings, and other structures like decks, pergolas, pools, etc., shall be limited to 50% of the parcel area. The purpose of this overall improvement area limit is to allow for rather liberal construction on a residential property while preventing over-building.

1. For the purposes of this section, "improvements" does not include yard ornaments, fences, retaining walls, gardens, planting beds, or other landscaping.

2. Within this improvement area limit, impervious surfaces shall be limited to 25% of the parcel area for parcels within a Shoreland or Wetland Management District to mitigate surface water impacts caused by excess storm water runoff. This impervious surface limit may be exceeded, within the allowed improvement area and in compliance with pertinent regulations in Chapter 1017 of this Title, by receiving approval(s) from the City Engineer to mitigate excess storm water runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.

3. Within this improvement area limit, impervious surfaces shall be limited to 30% of the parcel area for all other parcels. The purpose of these further limits on impervious surfaces within the overall improvement area allowance is to prevent problems caused by excess storm water runoff. This impervious surface limit may be exceeded, within the allowed improvement area, by receiving approval(s) from the City Engineer to mitigate excess storm water runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.

~~1004.09:~~1004.10: LOW TO MEDIUM DENSITY RESIDENTIAL ~~- 2 (LDR-2)~~(LMDR) DISTRICT

A. Statement of Purpose: The ~~LDR-2~~ LMDR District is designed to provide an environment of one-family dwellings on small lots, accessory dwelling units, two-family to four-family dwellings, courtyard cottages, and townhouse dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is established to ~~recognize existing areas with concentrations of two-family and townhouse dwellings, and for application to areas guided for redevelopment at densities up to 8 units per acre or with~~ allow for a greater diversity of housing types throughout the city.

B. Dimensional Standards:

Table 1004-4	One-Family	Two-Family	Three-Family & Four-Family	Attached & Courtyard Cottage
Minimum density	5.0 Units/net acre – averaged across development site			
Maximum density	~~8~~ 12 Units/net acre - averaged across development site			
Minimum lot area	6,000 Sq. Ft.	4,800 Sq. Ft./Unit	3,600 Sq. Ft./Unit	~~3,000~~ 3,600 Sq. Ft./Unit

Table 1004-4	One-Family	Two-Family	Three-Family & Four-Family	Attached & Courtyard Cottage
Minimum lot width	60 Feet	30 Feet/unit	24 Feet/unit	~~24 Feet/unit~~N/a
Maximum building height	~~30~~35 Feet	~~30~~ 35 Feet	35 Feet	35 Feet
Minimum front yard building setback				
Street	30 Feet[a, b]			
Interior courtyard	10 Feet[c]			
Minimum side yard building setback				
Interior	5 Feet	5 Feet	8 Feet (end unit)	8 Feet (end unit)
Corner	10 Feet	10 Feet	15 Feet	15 Feet
Reverse corner	Equal to existing front yard of adjacent lot, but not greater than 30 feet			
Minimum rear yard setback	30 Feet			

a See Section 1004.04, Existing Setbacks.

b Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front street right-of-way line.

c Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 4 feet to the front courtyard parcel boundary.

(Ord. 1411, 6-13-2011)

C. Improvement Area: Improvement area, including paved surfaces, the footprints of principal and accessory buildings, and other structures like decks, pergolas, pools, etc, shall be limited to 60% of the parcel area. The purpose of this overall improvement area for rather liberal construction on a residential property while preventing over- building; for parcels within a Shoreland or Wetland Management District, paved surfaces and building footprints shall be further limited to 25% of the parcel area. (Ord. 1515 12-05-16)

1. For the purposes of this section, “improvements” does not include yard ornaments, fences, retaining walls, gardens, planting beds, or other landscaping.

2. Within this improvement area limit, impervious surfaces shall be limited to 25% of the parcel area for parcels within a Shoreland or Wetland Management District to mitigate surface water impacts caused by excess storm water runoff. This impervious surface limit may be exceeded, within the allowed improvement area and in compliance with pertinent regulations in Chapter 1017 of this

Title, by receiving approval(s) from the City Engineer to mitigate excess storm water runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.

3. Within this improvement area limit, impervious surfaces shall be limited to 35% of the parcel area for all other parcels. The purpose of these further limits on impervious surfaces within the overall improvement area allowances is to prevent problems caused by excess storm water runoff. This impervious surface limit may be exceeded, within the allowed improvement area, by receiving approval(s) from the City Engineer to mitigate excess storm water runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions. (Ord. 1508 08-22-16)

~~D. Building Arrangement: Buildings may be organized in several ways, including the examples in this section.~~

~~1. Arranged along the street without a common open space, as is typical for most residential lots. Open space is provided on individual lots.~~

~~2. Arranged around a common courtyard that faces the street (see diagram), with parking areas taking access off a shared drive to the side and rear of the buildings. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.~~

~~3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.~~

~~(Ord. 1452, 09-09-2013)~~

~~1004.10:~~1004.11: MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT

A. Statement of Purpose: The MDR District is designed to provide an environment of varied housing types ~~at an overall density of 5 to 12 units an acre~~, including single- family attached dwellings, small multi-family buildings, two-family and small-lot, one- family dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow innovative development patterns, consistent with the Comprehensive Plan.

B. Dimensional Standards:

Table 1004-5	One-Family	Two-Family, Three-Family, & Four-Family	Attached & Courtyard Cottage	Multifamily
Minimum density	5 Units/net acre - averaged across development site			

Table 1004-5	One-Family	Two-Family, Three-Family, & Four-Family	Attached & Courtyard Cottage	Multifamily
Maximum density	12 Units/net acre - averaged across development site Up to 18 Units/net acre requires CU			
~~Minimum density~~	~~5 Units/net acre - averaged across development site~~			
Minimum lot area per unit	4,800 Sq. Ft.	3,600 Sq. Ft.	3,600 Sq. Ft.	3,600 Sq. Ft.
Minimum lot width	40 Feet	~~30~~ 24 Feet/unit	N/a	N/a
Maximum building height	~~30~~ 45 Feet	~~30~~ 45 Feet	~~35~~ 45 Feet	~~40~~ 45 Feet
Maximum improvement area	65%			
Minimum front yard building setback				
Street - local	30 Feet a			
Street – non-local (A and B Minor Reliever and A Minor Augmentor)	NA	NA	zero feet b	30 feet
Interior courtyard – 40 foot or less courtyard width	15 Feet c			
Interior courtyard – 41-45 foot courtyard width	10 feet c			
Interior courtyard – 45 feet or greater courtyard width	5 feet d			
Minimum side yard building setback				
Interior	5 Feet	5 Feet	5 Feet	10 Feet
Periphery	5 feet	5 feet	8 feet	20 feet

Table 1004-5	One-Family	Two-Family, Three-Family, & Four-Family	Attached & Courtyard Cottage	Multifamily
Corner/street	10 Feet	10 Feet	15 Feet	20 Feet
Reverse corner/street	Equal to existing front yard of adjacent lot, but not greater than 30 feet			
Minimum rear yard building setback				
Interior	0 feet			
Periphery	30 feet	30 feet	45 feet	45 feet
Minimum periphery alley setback	10 feet e			

a. Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front street right-of-way line.

b. Zero feet setback for non-enclosed porch or 15 feet from A/B Minor Reliever or A Minor Augmentor, whichever is greater.

c. Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 4 feet to the front courtyard parcel boundary.

d. Where courtyards are equal to or exceed 45 feet, covered entries and porches sheltering (but not enclosing) front doors may extend to the front courtyard parcel boundary.

e. Requires landscaping and/or fencing approved by the community development department.

~~C. Building Arrangement: Buildings may be organized in several ways, including the examples in this section:~~

~~1. Arranged along the street without a common open space, as is typical for most residential lots. Open space is provided on individual lots.~~

~~2. Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings (see diagram). The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.~~

~~3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.~~

~~1004.11:~~1004.12: HIGH DENSITY RESIDENTIAL DISTRICT~~S~~ (HDR~~-1 AND HDR-2~~)

A. Statement of Purpose: The HDR district~~s are~~ is designed to provide an environment of predominantly high-density housing types, including~~ manufactured home communities~~, large and small multi-family buildings, and single-family attached dwellings, ~~at an overall density exceeding 12 units per acre,~~ along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow innovative development patterns, consistent with the Comprehensive Plan.

B. Dimensional Standards:

~~Table 1004-6~~	~~HDR-1~~		~~HDR-2~~
Table 1004-6	Attached	Multifamily	~~Multifamily~~
Minimum density	12 Units/net acre		
Maximum density	24 Units/net acre~~b~~ Higher than 24 Units/net acre requires CU		~~36 Units/net acre~~~~c~~
~~Minimum density~~	~~12 Units/net acre~~		~~24 Units/net acre~~
Maximum building height	~~35~~ 55 Feet Higher than 55 Feet requires CU	~~45~~ 55 Feet~~d~~ Higher than 55 Feet requires CU	~~65 Feet~~~~e~~
Maximum improvement area	75%		~~85%~~
Minimum front yard building setback			
Street	30 Feet		~~10 Feet~~
Interior courtyard	10 Feet		~~15 Feet~~
Minimum side yard building setback			
Interior –adjacent to LDR~~-1 LDR-2,~~ LMDR, and MDR	8 Feet (end unit)	20 Feet;~~, or~~ otherwise, for buildings over 45 feet 50% of building height~~, whichever is greater~~	~~20 feet or 50% of building height, whichever is greater~~~~a~~

Interior – adjacent all other districts	8 Feet (end unit)	10 feet ~~or 50% of building height, whichever is greater~~	~~10 feet or 50% of building height, whichever is greater~~[a]
Corner	15 Feet	20 Feet	~~20% Height of the building~~[a]
Minimum rear yard building setback	30 Feet		~~20 feet or 50% of building height, whichever is greater~~[a]
Upper floors stepback – side or rear property line adjacent to, or front property line facing, LDR or LMDR districts	All floors above the third story shall be stepped back a minimum of 8 feet from the ground floor façade; if the entire building (ground floor) is placed at the upper floors stepback, an additional stepback is not required for the upper floors		
~~a The City may require a greater or lesser setback based on surrounding land uses. b. Density in the HDR-1 district may be increased to 36units/net acre with approved conditional use.~~ ~~c. Density in the HDR-2 district may be increased to more than 36 units/net acre with approved conditional use.~~ ~~d. Building height over 45 feet and under 65 feet requires an approved conditional use in the HDR-1~~ ~~e. Building height over 65 feet requires an approved conditional use in HDR-2~~			

(Ord. 1405, 2-28-2011) (Ord. 1511 10-24-16)

~~C. Building Arrangement: Buildings may be organized in several ways, including the examples in this section:~~

~~1. Arranged along the street without a common open space. Open space is provided on individual lots or on privately defined spaces to the rear of attached dwellings.~~

~~2. Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.~~

~~3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.~~

~~(Ord. 1403, 12-13-2010) (Ord. 1464, 03-24-2014)~~

CHAPTER 1005 ~~COMMERCIAL AND~~ MIXED-USE DISTRICTS

SECTION:

1005.01: Statement Of Purpose

1005.02: Design Standards

1005.03: Table of Allowed Uses

1005.04: Neighborhood ~~Business (NB)~~ Mixed Use (MU-1) District

1005.~~07~~05: Community Mixed- Use ~~(CMU)~~ (MU-2) Districts-

1005.~~05~~06: ~~Community Business (CB)~~ Corridor Mixed Use (MU-3) District

1005.~~06~~07: ~~Regional Business (RB)~~ Core Mixed Use (MU-4) District

~~1005.07: Community Mixed-Use (CMU) Districts~~

~~-~~(Ord. 1483, 10/26/2015)

1005.01: STATEMENT OF PURPOSE

The ~~commercial and~~ mixed-use districts are designed to:

A. Promote an appropriate mix of commercial, office, and residential development types within the community;

B. Provide attractive, inviting, high-quality retail shopping and service areas, mixed-use sites, including vertical mixed-use, and medium and high-density residential projects that are conveniently and safely accessible by multiple travel modes including vehicle, walking, and bicycling;

C. Improve the community's mix of land uses, including vertical mixed-use, by encouraging mixed medium- and high-density residential uses with high quality commercial and employment uses in designated areas. Mixed-use is a development type that blends residential, commercial, entertainment, or other uses, where those functions are physically and functionally integrated, and that provides pedestrian connections;

D. Encourage appropriate transitions between higher-intensity uses within commercial and mixed use centers and adjacent lower-density residential districts; and

E. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.

(Ord. 1542 2-12-2018)

1005.02: A: DESIGN STANDARDS – NON-RESIDENTIAL AND MIXED USE PROJECTS

The following standards apply to new buildings and major expansions of existing buildings (i.e., expansions that constitute 50% or more of building floor area), and changes in use in all ~~commercial and~~ mixed-use districts. Design standards apply only to the portion of the building or site that is undergoing alteration.

A. Corner Building Placement: At intersections, buildings shall have front and side facades aligned at or near the front property line.

B. Entrance Orientation: Where appropriate and applicable, primary building entrances shall be oriented to the primary abutting public street. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. (Ord. 1415, 9-12-2011)

C. Vertical Facade Articulation: Buildings shall be designed with a base, a middle, and a top, created by variations in detailing, color, and materials. A single-story building need not include a middle.

   1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.

   2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.

D. Horizontal Facade Articulation: Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:

   1. Stepping back or extending forward a portion of the facade;

   2. Variations in texture, materials or details;

   3. Division into storefronts;

   4. Stepbacks of upper stories; or

   5. Placement of doors, windows and balconies.

E. Window and Door Openings:

   1. For nonresidential uses, windows, doors, or other openings shall comprise at least 60% of the length and at least 40% of the area of any ground floor facade fronting a public street. At least 50% of the windows shall have the lower sill within three feet of grade.

   2. For nonresidential uses, windows, doors, or other openings shall comprise at least 20% of side and rear ground floor facades not fronting a public street. On upper stories, windows or balconies shall comprise at least 20% of the facade area.

   3. On residential facades, windows, doors, balconies, or other openings shall comprise at least 20% of the facade area.

   4. Glass on windows and doors shall be clear or slightly tinted to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas.

   5. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building facade.

   6. Displays may be placed within windows. Equipment within buildings shall be placed at least 5 feet behind windows.

F. Materials: All exterior wall finishes on any building must be a combination of the following materials: No less than 60% face brick; natural or cultured stone; pre-colored or factory stained or

stained on site textured pre-cast concrete panels; textured concrete block; stucco; glass; fiberglass; or similar materials and no more than 40% pre-finished metal, cor-ten steel, copper, premium grade wood with mitered outside corners (e.g., cedar redwood, and fir), or fiber cement board. Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city. Other materials of equal quality to those listed, may be approved by the Community Development Department.

G. Four-sided Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.

H. Maximum Building Length: Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry, except where a more restrictive standard is specified for a specific district.

I. Garages Doors and Loading Docks: Overhead doors, refuse, recyclables, and/or compactors shall be located, and to the extent feasible, on rear or side facades that do not front a public street, to the extent feasible, residential garage doors should be similarly located. Overhead doors of attached residential garages on a building front shall not exceed 50% of the total length of the building front. Where overhead doors, refuse, recyclables, and/or compactors abut a public street frontage, a masonry screen wall comprised of materials similar to the building, or as approved by the Community Development Department, shall be installed to a minimum height to screen all activities. (Ord. 1415, 9-12-2011) (Ord. 1443 & 1444, 06-17-2013

J. Rooftop Equipment: Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

(Ord. 1435, 4-08-2013) (Ord. 1494A, 2/22/2016)

~~**SECTION 3.** §1005.02, Design Standards is further amended as follows:~~

1005.02: B: DESIGN STANDARDS – MULTI-FAMILY PROJECTS

The standards in this Section are applicable to all structures that contain three or more units. Their intent is to encourage multi-family building design that respects its context, incorporates some of the features of one family dwellings within the surrounding neighborhood, and imparts a sense of individuality rather than uniformity.

The following standards apply to new buildings, major expansions (i.e., expansions that constitute 50% or more of building floor area), and changes in use. Design standards apply only to the portion of the building or site that is undergoing alteration.

A. Orientation of Buildings to Streets: Buildings shall be oriented so that a primary entrance faces one of the abutting streets. In the case of corner lots, a primary entrance shall face the street from which the building is addressed. Primary entrances shall be defined by scale and design.

B. Street-facing Facade Design: No blank walls are permitted to face public streets, walkways, or public open space. Street-facing facades shall incorporate offsets in the form of projections and/or recesses in the facade plane at least every 40 feet of facade frontage. Wall offsets shall have a minimum depth of 2 feet. Open porches and balconies are encouraged on building fronts and may extend up to 5 feet into the required setbacks. In addition, at least one of the following design features shall be applied on a street-facing facade to create visual interest:

1. Dormer windows or cupolas;
2. Recessed entrances;
3. Covered porches or stoops;
4. Bay windows with a minimum 12-inch projection from the facade plane;
5. Eaves with a minimum 6 inch projection from the facade plane; or
6. Changes in materials, textures, or colors.

C. Four-sided Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings.

D. Maximum Length: Building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.

E. Landscaping of Yards: Front yards must be landscaped according to Chapter 1011, Property Performance Standards.

F. Detached Garages: The exterior materials, design features, and roof forms of garages shall be compatible with the principal building served.

G. Attached Garages: Garage design shall be set back and defer to the primary building face. Front loaded garages (toward the front street), if provided shall be set back a minimum of 5 feet from the predominant portion of the principal use. (Ord. 1405, 2-28- 2011)

H. Surface Parking: Surface parking shall not be located between a principal building front and the abutting primary street except for drive/circulation lanes and/or handicapped parking spaces. Surface parking adjacent to the primary street shall occupy a maximum of 40% of the primary street frontage and shall be landscaped according to Chapter 1019, Parking and Loading Areas.

I. Exterior Wall Finishes: All exterior wall finishes on any building must be a combination of the following materials: face brick, natural or cultured stone, textured concrete block, stucco, wood, vinyl, siding, fiber-reinforced cement board and prefinished metal, or similar materials approved by the Community Development Department. (Ord. 1494A, 2-22-2016)

(Ord. 1542 2-12-2018)

1005.03: TABLE OF ALLOWED USES

Table 1005-1 lists all permitted and conditional uses in the commercial and mixed use districts.

A. Uses marked as "P" are permitted in the districts where designated.

B. Uses marked with a "C" are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.

C. Uses marked as "NP" are not permitted in the districts where designated.

D. A "Y" in the "Standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011 of this Title; standards for conditional uses are included in Section 1009.02 of this Title.

E. Combined Uses: Allowed uses may be combined within a single building, meeting the following standards:

1. Residential units in mixed-use buildings shall be located above the ground floor or on the ground floor to the rear of nonresidential uses;
2. Retail and service uses in mixed-use buildings shall be located at ground floor or lower levels of the building; and
3. Nonresidential uses are not permitted above residential uses.

Table 1005-1	~~NB~~MU-1	MU-2A	MU-2B	~~CB~~MU-3	~~RB-1~~MU-4	~~RB-2~~	Standards
Office Uses							
Office	P	P	P	P	P	~~P~~	
Clinic, medical, dental or optical	P	P	P	P	P	~~P~~	
Office showroom	NP	C	P	P	P	~~P~~	
~~Retail, general and personal service*~~	~~P~~	~~P~~	~~P~~	~~P~~			
Commercial Uses							
Animal boarding, kennel/day care (indoor)	P	~~C~~P	P	P	P	~~P~~	Y
Animal boarding, kennel/day care (outdoor)	NP	NP	NP	C	C	~~C~~	Y
Animal hospital, veterinary clinic	P	P	P	P	P	~~P~~	Y

ATTACHMENT A

Table 1005-1	~~NB~~MU-1	MU-2A	MU-2B	~~CB~~MU-3	~~RB-1~~MU-4	~~RB-2~~	Standards
Bank, financial institution	P	P	P	P	P	~~P~~	
Club or lodge, private	P	P	P	P	P	~~P~~	
Day care center	P	P	P	P	P	~~P~~	Y
Grocery store	C	P	P	P	P	~~P~~	
Health club, fitness center	C	P	P	P	P	~~P~~	
Indoor Entertainment Center	NP	NP	P	P	P	~~P~~	
Laboratory for research, development and/or testing	NP	C	P	P	P		
Learning studio (martial arts, visual/performing arts)	C	P	P	P	P	~~P~~	
Limited production and processing-principal	NP	C	P	~~NP~~P	~~NP~~C	~~P~~	
Limited warehousing and distribution	NP	C	C	~~NP~~C	~~NP~~P/C	~~P/C~~	Y
Liquor store	C	C	P	P	P	~~P~~	
Lodging: hotel, motel	NP	NP	C	P	P	~~P~~	
Mini-storage	NP	NP	NP	P	P	~~P~~	
Mortuary, funeral home	P	C	P	P	P	~~P~~	
Motor fuel sales (gas station)	C	NP	C	P	P	~~P~~	Y
Motor vehicle repair, auto body shop	NP	NP	C	C	P	~~P~~	Y
Motor vehicle rental/leasing	NP	NP	C	P	P	~~P~~	Y
Motor vehicle dealer (new vehicles)	NP	NP	NP	NP	P	~~P~~	
Movie theater, cinema	NP	NP	P	P	P	~~P~~	
~~Outdoor display~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~		

Table 1005-1	~~NB~~MU-1	MU-2A	MU-2B	~~CB~~MU-3	~~RB-1~~MU-4	~~RB-2~~	Standards
~~Outdoor storage, equipment and goods~~	~~NP~~	~~NP~~	~~C~~	~~C~~	~~Y~~		
~~Outdoor storage, fleet vehicles~~	~~NP~~	~~P~~	~~P~~	~~P~~	~~Y~~		
~~Outdoor storage, inoperable/out of service vehicles or equipment~~	~~NP~~	~~C~~	~~P~~	~~P~~	~~Y~~		
~~Outdoor storage, loose materials~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~			
Pawn shop	NP	NP	NP	C	C	~~C~~	
Parking	C	C	C	C	C	~~C~~	
Restaurant, Fast Food	NP	C	C	P	P	~~P~~	
Restaurant, Traditional	P	P	P	P	P	~~P~~	
Retail, general and personal service*	P	P	P	P	P		
Retail, large format	NP	NP	C	P	P		
Brewpub	P	P	P	P	P	~~P~~	
Brewery	NP	NP	C	NP	C	~~C~~	
Microbrewery	C	C	C	C	P	~~P~~	
Distillery	C	C	C	C	P	~~P~~	
Residential Family Living							
Dwelling, one-family detached	NP	C	NP	NP	NP		
Dwelling, two-family detached (duplex)	P	P	P	NP	NP		
Dwelling, two-family attached (twinhome)	P	P	P	NP	NP		
Dwellings, courtyard cottage	P	P	P	NP	NP		
Dwelling, one-family attached (townhome, rowhouse)	~~NP~~P	P	P	~~NP~~P	NP	~~NP~~	

ATTACHMENT A

Table 1005-1	~~NB~~MU-1	MU-2A	MU-2B	~~CB~~MU-3	~~RB-1~~MU-4	~~RB-2~~	Standards
Dwelling, three-family	P	P	P	NP	NP		
Dwelling, four-family	P	P	P	NP	NP		
Dwelling, multi-family (~~3~~5-8 units per building)	~~NP~~P	P	P	~~NP~~P	~~NP~~P	~~NP~~	
Dwelling, multi-family (upper stories in mixed-use building)	P	P	P	P	P ~~C~~	~~C~~	
Dwelling, multi-family (more than 8 units per building)	C	C	P	~~NP~~P	~~C~~P	~~C~~	
Dwelling unit, accessory	NP	P	NP	NP	NP	~~NP~~	Y
Live-work unit	~~C~~P	P	P	~~NP~~P	~~NP~~P	~~NP~~	Y
Manufactured home park	C	C	C	C	C		
Residential Group Living							
Community residential facility, state licensed, 1-6 persons	NP	C	C	NP	NP		Y
Community residential facility, state licensed, serving 7-16 persons	C	C	C	NP	NP	~~NP~~	Y
Student Housing	NP	NP	NP	P	P	~~P~~	Y
Nursing home, assisted living facility	C	C	C	C	C	~~C~~	Y
Civic and Institutional Uses							
College, or post-secondary school, campus	NP	NP	NP	NP	P	~~P~~	Y
College or post-secondary school, office-based	P	P	P	P	P	~~P~~	Y
Community center, library, municipal building	NP	P	P	~~NP~~P	P	~~P~~	

Table 1005-1	~~NB~~MU-1	MU-2A	MU-2B	~~CB~~MU-3	~~RB-1~~MU-4	~~RB-2~~	Standards
Place of assembly	P	C	P	P	P	~~P~~	Y
School, elementary or secondary	NP	NP	NP	NP	P	~~P~~	Y
Theater, performing arts center	NP	C	P	~~NP~~P	P	~~P~~	Y
Utilities and Transportation							
Essential services	P	P	P	P	P	~~P~~	
Park-and-ride facility	NP	NP	P	P	P	~~P~~	
Transit center	NP	NP	P	P	P	~~P~~	
Accessory Uses, Buildings and Structures							
Accessory buildings for storage of business supplies and equipment	P	P	P	P	P	~~P~~	Y
Accessibility ramp and other accommodations	P	P	P	P	P	~~P~~	
Bed & Breakfast establishment	NP	C	C	NP	NP		
Communications equipment (TV, shortwave radio)	P	P	P	P	P		Y
Day care family/group family	P	P	P	P	P		
Detached garage and off-street parking spaces	P	P	P	P	P	~~P~~	Y
Drive-through facility	C	NP	C	C	C	~~C~~	Y
Gazebo, arbor, patio, play equipment	P	P	P	P	P	~~P~~	Y
Home occupation	P	P	P	~~NP~~P	~~NP~~P	~~NP~~	Y
Limited production and processing – accessory	P	P	P	P	P	~~P~~	
Outdoor display	P	P	P	P	P		Y

Table 1005-1	~~NB~~MU-1	MU-2A	MU-2B	~~CB~~MU-3	~~RB-1~~MU-4	~~RB-2~~	Standards
Outdoor storage, equipment and goods	NP	NP	NP	NP	C		Y
Outdoor storage, fleet vehicles	NP	NP	NP	P	P		Y
Outdoor storage, inoperable/out of service vehicles or equipment	NP	NP	NP	C	P		Y
Outdoor storage, loose materials	NP	NP	NP	NP	NP		
Renewable energy system	P	P	P	P	P	~~P~~	Y
Roomer/boarder	P	P	P	P	P		
Swimming pool, hot tub, spa	P	P	P	P	P	~~P~~	Y
Telecommunications tower	C	C	C	C	C	~~C~~	Y
Temporary Overnight Shelter[a]	P	P	P	P	P	~~P~~	
Tennis and other recreational courts	~~C~~P	P	P	~~C~~P	P	~~P~~	Y
Taproom	~~C~~P	P	P	P	P	~~P~~	
Cocktail Room	~~C~~P	P	P	P	P	~~P~~	
Temporary Uses							
Temporary building for construction purposes	P	P	P	P	P	~~P~~	Y
Sidewalk sales, boutique sales	P	P	P	P	P	~~P~~	Y
Portable storage container	P	P	P	P	P	~~P~~	Y

[a] Restricted to places of assembly and pursuant to the licensing requirements of §310.01.F (Ord. 1405, 2-28-2011) (Ord. 1427, 7-9-2012) (Ord. 1445, 7-8-2013) (Ord. 1469, 06-09-2014) (Ord. 1483, 10/26/2015) (Ord. 1545, 3-26-2018) (Ord. 1563, 08-27-2018)

1005.04: NEIGHBORHOOD ~~BUSINESS (NB)~~ MIXED USE (MU-1) DISTRICT

A. Statement of Purpose: The Neighborhood ~~Business~~ Mixed Use District is designed to provide a limited range of neighborhood-scale retail, service, and office uses in proximity to residential neighborhoods or integrated with residential uses. The ~~NB~~ MU-1 district is also intended to:

1. Encourage mixed use at underutilized retail and commercial intersections;
2. Encourage development that creates attractive gateways to City neighborhoods;
3. Encourage pedestrian connections between Neighborhood ~~Business~~ Mixed Use areas and adjacent residential neighborhoods;
4. Ensure that buildings and land uses are scaled appropriately to the surrounding neighborhood; and
5. Provide adequate buffering of surrounding neighborhoods.

B. Design Standards: The standards in Section 1005.02 shall apply except building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.

C. Dimensional Standards:

Table 1005-2	
Minimum lot area	No requirement
Maximum building height	35 feet
Minimum front yard building setback	No requirement
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 20 feet or 50% of building height, whichever is greater, from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet

D. Residential Density: ~~Residential densities shall not exceed 12 units per acre.~~

1. Residential densities shall not be lower than 5 units per acre.

~~1.~~2. Residential densities shall not exceed 12 units per acre.

~~2.~~3. Minimum lot size for one-family detached dwellings shall be 6,000 square foot per lot.

~~D.~~E. Improvement Area: The total improved area, including paved surfaces and the footprints of principal and accessory buildings and structures, shall not exceed ~~85%~~75% of the total parcel area.

~~E.~~F. Frontage Requirement: Buildings at corner locations shall be placed within five feet of the lot line on either street for a distance of at least 20 feet from the corner.

~~F.~~G. Parking Placement: Surface parking shall not be located between the front facade of a building and the abutting street. Parking shall be located to the rear or side of the principal building. Parking abutting the primary street frontage is limited to 50% of that lot frontage.

~~G.~~H. Screening from Residential Property: Screening along side and rear lot lines abutting residential properties is required, consistent with Chapter 1011 of this Title.

1005.05: COMMUNITY ~~MIXED-USE (CMU)~~ MIXED USE (MU-2) DISTRICTS

A. Statement of Purpose: The Community ~~Mixed-Use~~ Mixed Use (MU-2) Districts are designed to encourage the development or redevelopment of ~~mixed-use~~ mixed use centers that may include residential, office, commercial, park, civic and institutional, utility and transportation, park, and open space uses. The Comprehensive Plan's goal is for Community Mixed Use areas to incorporate residential land uses accounting for at least 10% of the overall mixed-use area. Complementary uses should be organized into cohesive districts in which mixed- or single-use buildings are connected by streets, sidewalks and trails, and open space to create a pedestrian-oriented environment. The ~~CMU~~MU-2 Districts are intended to be applied to areas of the City guided for redevelopment and may represent varying degrees of intensification with respect to land use, hours of operation, or building height.

1. The ~~CMU-1~~ MU-2ADistrict is ~~the most~~ a more restrictive mixed-use district, limiting building height and excluding ~~the~~ most intensive land uses, and is intended for application to redevelopment areas adjacent to low-density residential neighborhoods.

2. The MU-2B~~CMU-2~~ District is less restrictive, being open to a wider variety of land uses and building height, and is intended ~~to provide transition from higher-density development to parks and other natural areas~~ for areas adjacent to higher-density residential neighborhoods and higher intensity non-residential.

~~3. The CMU-3 District is intended for moderate intensity development, suitable for transitions between higher and lower intensity districts.~~

~~4. The CMU-4 District is a more intensive mixed-use district, intended for areas close to high-traffic roadways and large-scale commercial developments.~~

B. Regulating Plan: ~~CMU~~ MU-2 districts must be guided by a regulating plan for each location where it is applied. A regulating plan uses graphics and text to establish requirements pertaining to the following kinds of parameters. Where the requirements for an area governed by a regulating plan are in conflict with the design standards established in Section 1005.02 of this Title, the requirements of the regulating plan shall supersede, and where the requirements for an area governed by a regulating plan are silent, Section 1005.02 shall control.

1. Street and Block Layout: The regulating plan defines blocks and streets based on existing and proposed street alignments. New street alignments, where indicated, are intended to identify general locations and required connections but not to constitute preliminary or final engineering.

2. Street Type: The regulating plan may include specific street design standards to illustrate typical configurations for streets within the district, or it may use existing City street standards. Private streets may be utilized within the ~~CMU~~ MU-2 ~~-~~districts where defined as an element of a regulating plan.

3. Parking

   a. Locations: Locations where surface parking may be located are specified by block or block face. Structured parking is treated as a building type.

   b. Shared Parking or District Parking: A district-wide approach to off-street parking for nonresidential or mixed uses is preferred within the ~~CMU~~ MU-2 districts. Off-street surface parking for these uses may be located up to 300 feet away from the use. Off-street structured parking may be located up to 500 feet away from the use.

   c. Parking Reduction and Cap: Minimum off–street parking requirement for uses within the ~~CMU~~ MU-2 districts may be reduced to 75% of the parking requirements in Chapter 1019 of this Title. Maximum off-street parking shall not exceed the minimum requirement unless the additional parking above the cap is structured parking.

4. Building and Frontage Types: Building and frontage types are designated by block or block face. Some blocks are coded for several potential building types; others for one building type on one or more block faces.

5. Build to Areas: Build to Areas indicate the placement of buildings in relation to the street.

6. Uses: Permitted and conditional uses may occur within each building type as specified in ~~Table 1005-5~~ Table 1005-1, but the vertical arrangement of uses in a mixed-use building may be further regulated in a regulating plan

(Ord. 1415, 9-12-2011) (Ord. 1467, 04-21-2014) (Ord. 1483, 10/26/2015)

C. Regulating Plan Approval Process: A regulating plan may be developed by the City as part of a zoning amendment following the procedures of Section 1009.06 of this Title and thus approved by City Council. (Ord. 1415, 9-12-2011)

D. Amendments to Regulating Plan: Minor extensions, alterations or modifications of proposed or existing buildings or structures, and changes in street alignment may be authorized pursuant to Section 1009.05 of this Title. (Ord. 1415, 9-12-2011)

E. ~~Twin Lakes~~ Regulating Plan Maps:

Figure 1005-1: Twin Lakes Regulating Plan Map, west of Fairview Avenue

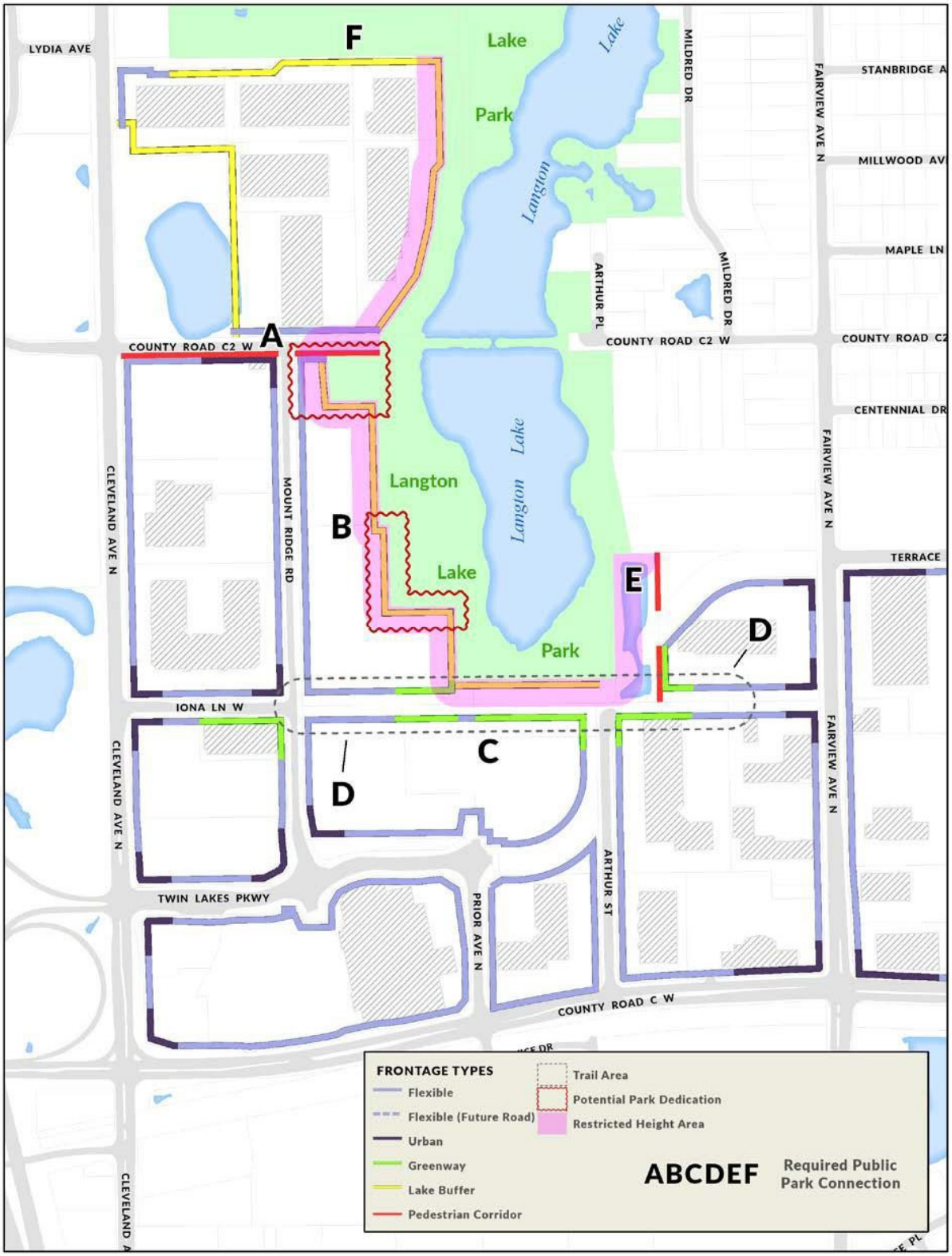


Figure 1005-2: Twin Lakes Regulating Plan Map, east of Fairview Avenue

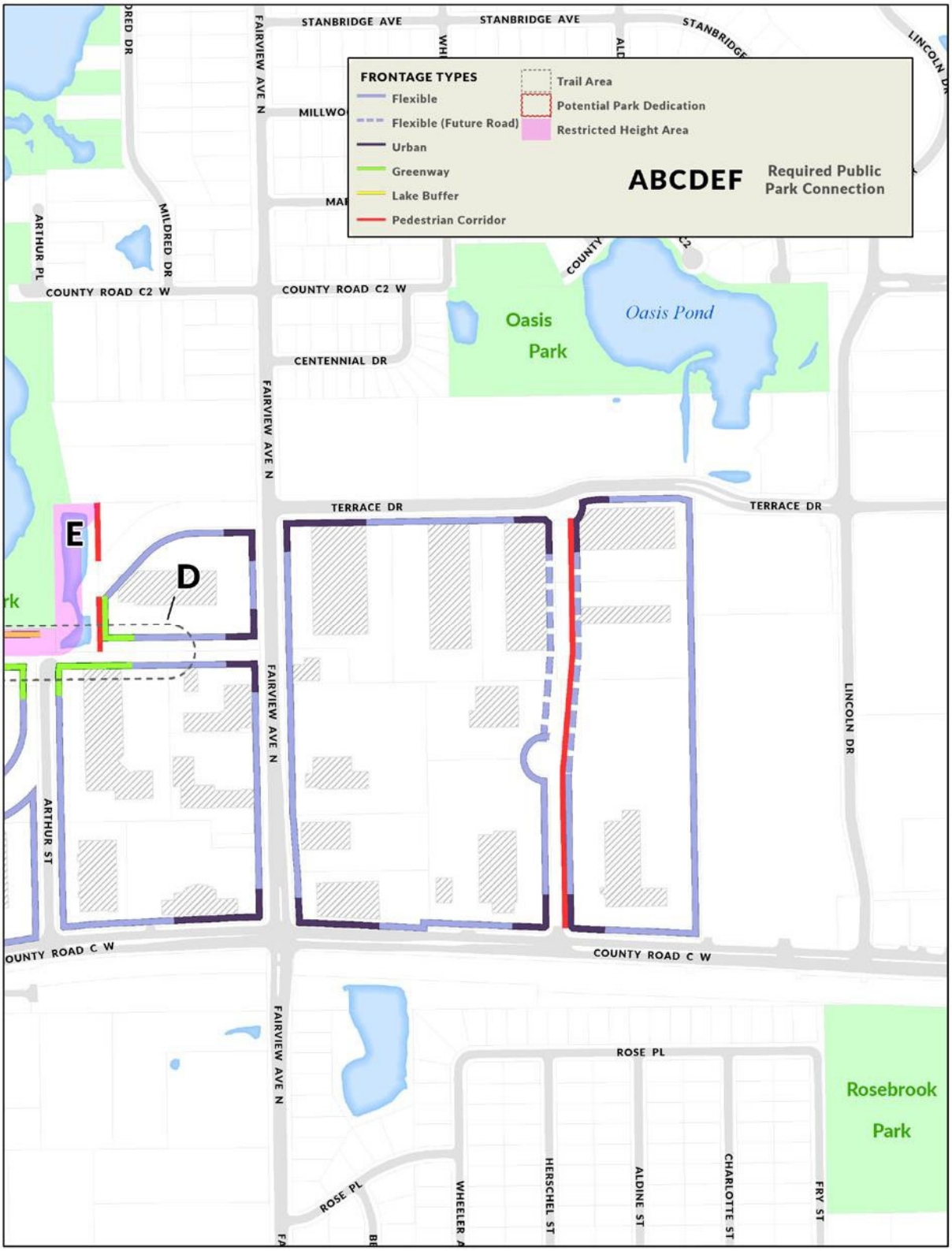


Figure 1005-3: Regulating Plan Map, northeast of County Road C and Snelling Avenue

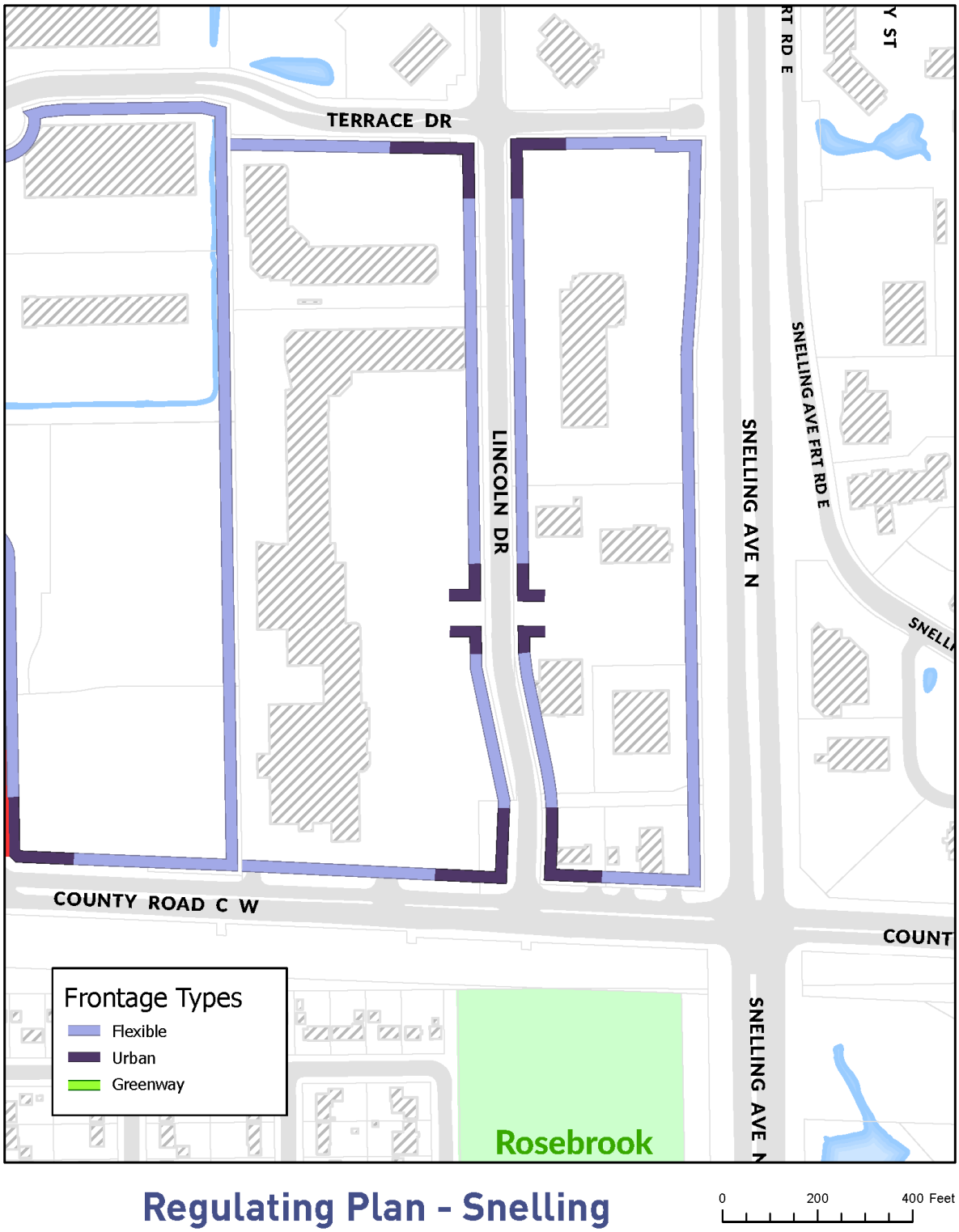


Figure 1005-4: HarMar Mall Regulating Plan Map

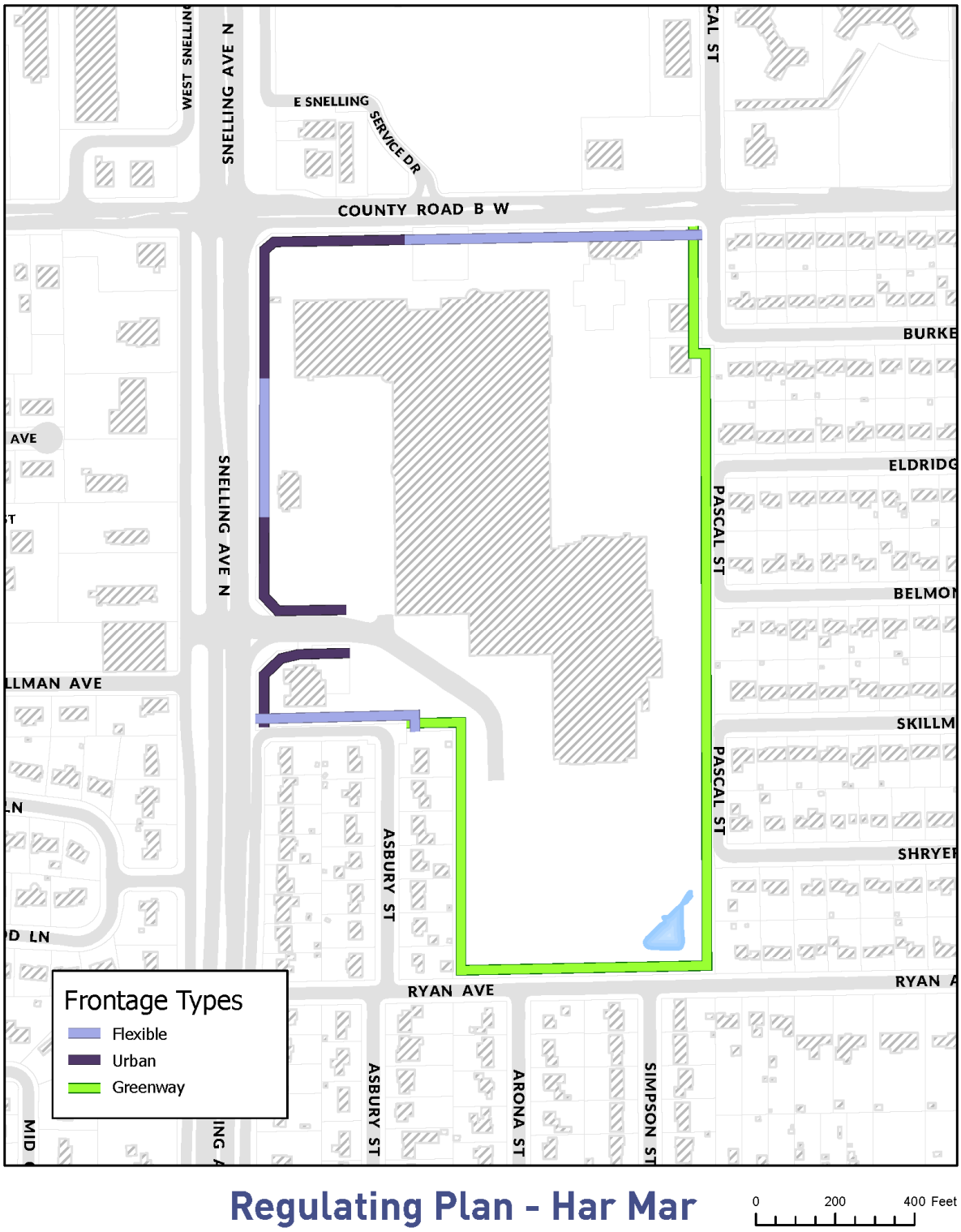
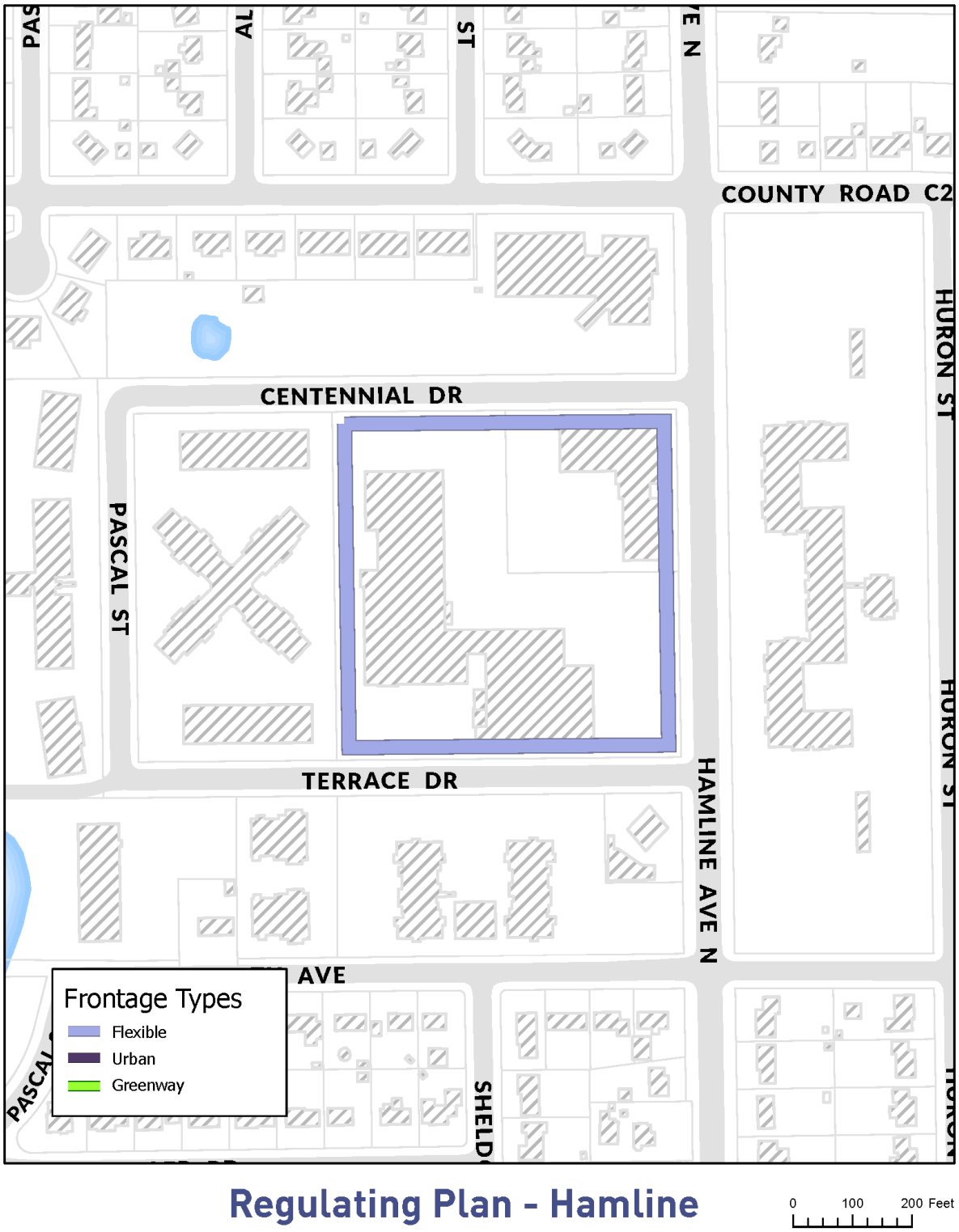
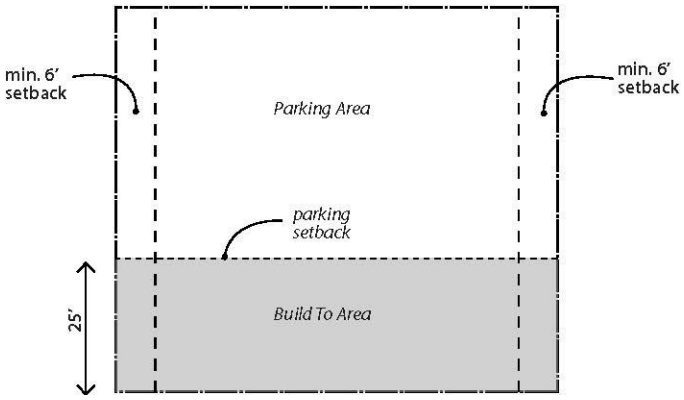


Figure 1005-5: Hamline Shopping Center Regulating Plan Map



1. Greenway Frontage

a. Siting



i. Build To Area

A. Refer to Regulating Plan Map (Figure 1005-1) for location of the Build To Area. Building may be placed anywhere within the Build to Area.

B. At least 90% of the lineal Build To Area shall be occupied by the front facade of the building.

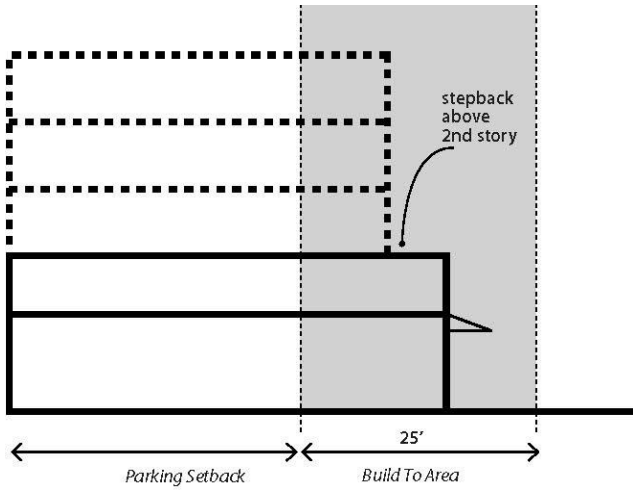
C. Within 30 feet of a block corner, the ground story facade shall be built within 10 feet of the corner.

b. Undeveloped and Open Space

i. Lot coverage shall not exceed 85%.

ii. Undeveloped and open space created in front of a building shall be designed as a semi-public space, used as a forecourt, outdoor seating, or other semi- public uses.

c. Building Height and Elements



i. Ground Floor: Finished floor height shall be a maximum of 18” above sidewalk.

ii. Height is limited to 35 feet in the ~~CMU-1~~ MU-2A district and within the Restricted Height Area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.

iii. Facade

A. The primary facade (facades fronting the Build To Areas, a Pedestrian Corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in roof lines; use of different but compatible materials and textures.

B. Blank lengths of wall fronting a public street or pedestrian Connection shall not exceed 20 feet.

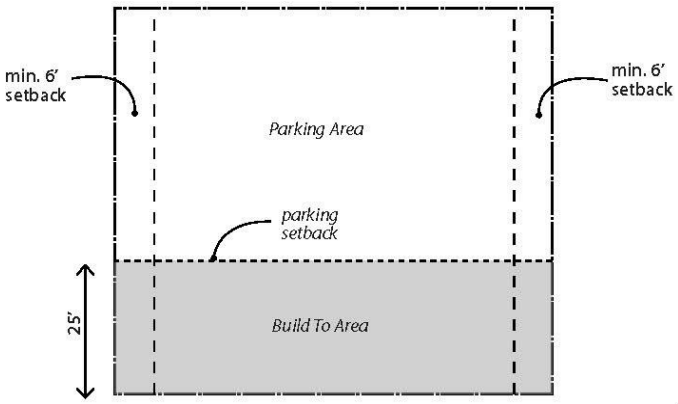
C. Building facades facing a pedestrian or public space shall include at least 30% windows and/or entries.

D. All floors above the second story shall be stepped back a minimum of 8 feet from the ground floor facade.

iv. Entries: Entries shall be clearly marked and visible from the sidewalk. Entries are encouraged at least every 50 feet along the Greenway Frontage.

2. Urban Frontage

a. Siting



i. Build To Area

A. Refer to Regulating Plan Map (Figure 1005-1) for location of the Build To Area. Building may be placed anywhere within the Build to Area.

B. At least 50% of the lineal Build To Area shall be occupied by the front facade of the building.

C. Within 30 feet of a block corner, the ground story facade shall be built within 10 feet of the corner.

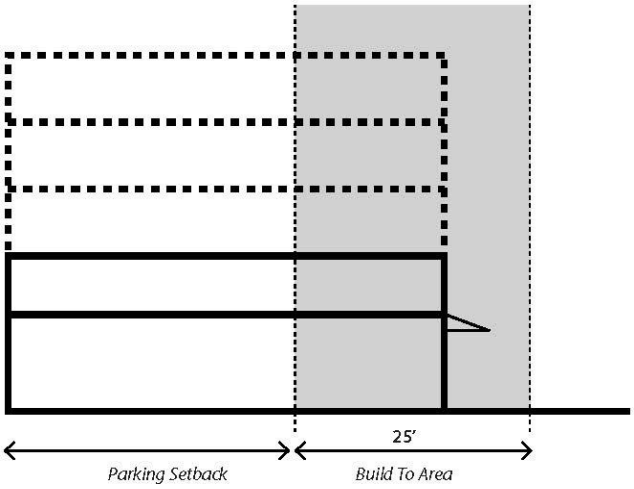
D. If a building does not occupy the Build To Area, the parking setback must include a required landscape treatment consistent with Sections 4 and 5 below.

ii. Undeveloped and Open Space

A. Lot coverage shall not exceed 85%.

B. Undeveloped and open space created in front of a building shall be designed as a semi-public space, outdoor seating, or other semi-public uses.

b. Building Height and Elements



i. Height is limited to 35 feet in the ~~CMU-1~~ MU-2A district and within the Restricted Height Area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.

ii. Facade

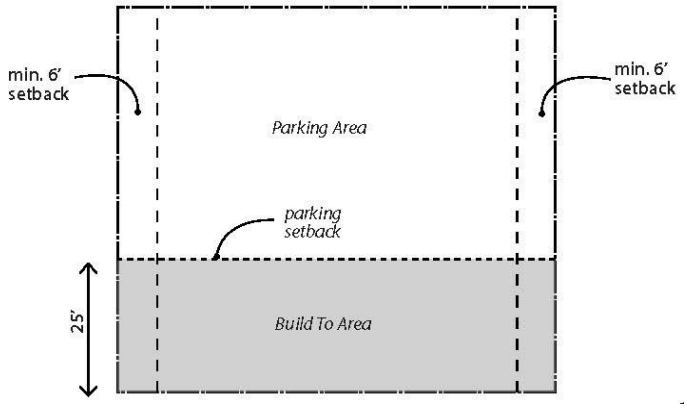
A. The primary facade (facade fronting the Build To Areas, a Pedestrian Corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in roof lines; use of different but compatible materials and textures.

B. Blank lengths of wall fronting a public street or pedestrian connection shall not exceed 30 feet.

iii. Entries: Entries shall be clearly marked and visible from the sidewalk. Entries are encouraged at least every 100 feet along the Urban Frontage.

3. Flexible Frontage

a. Siting



i. Build To Area

A. Refer to Regulating Plan Map (Figure 1005-1) for location of the Build To Area. Building may be placed anywhere within the parcel, but building placement is preferred in the Build To Area.

B. Building placement is preferred in the Build To Area. If a building does not occupy a Build To Area, the parking setback must include a required landscape treatment consistent with Sections 4 and 5 below.

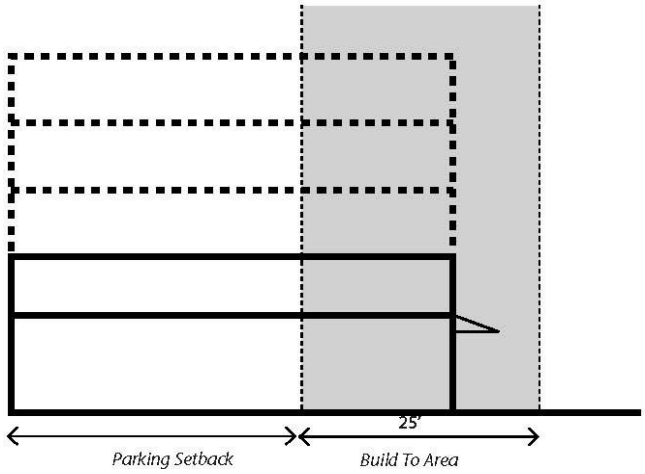
C. On Flexible Frontage sites located at or near pedestrian corridors or roadway intersections, where building placement is not to be in the build- to area, the City will require additional public amenities or enhancements including, but not limited to, seating areas, fountains or other water features, art, or other items, to be placed in the build-to area, as approved by the Community Development Department.

ii. Undeveloped and Open Space

A. Lot coverage shall not exceed 85%.

B. Undeveloped and open space created in front of a building shall be designed as a semi-public space, outdoor seating, or other semi-public uses.

b. Building Height and Elements



i. Height is limited to 35 feet in the ~~CMU-1~~ MU-2A district and within the Restricted Height Area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.

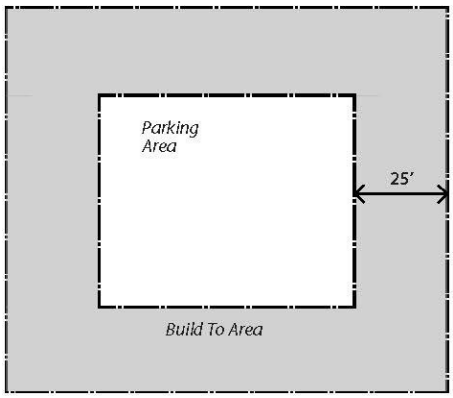
ii. Facade

A. Blank lengths of wall fronting a public street or pedestrian connection shall not exceed 30 feet.

B. The primary facade (facade fronting the Build To Areas, a Pedestrian Corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in roof lines; use of different but compatible materials and textures.

iii. Entries: Entries shall be clearly marked and visible from the sidewalk.

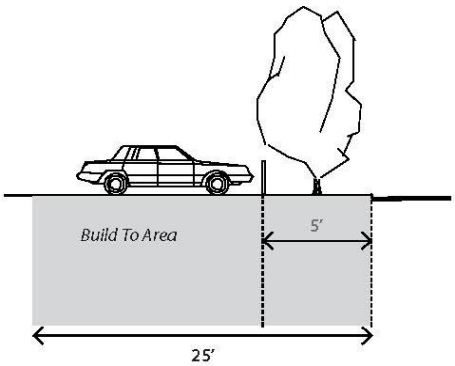
4. Parking



a. Parking shall be located behind the Build To Area/parking setback line.

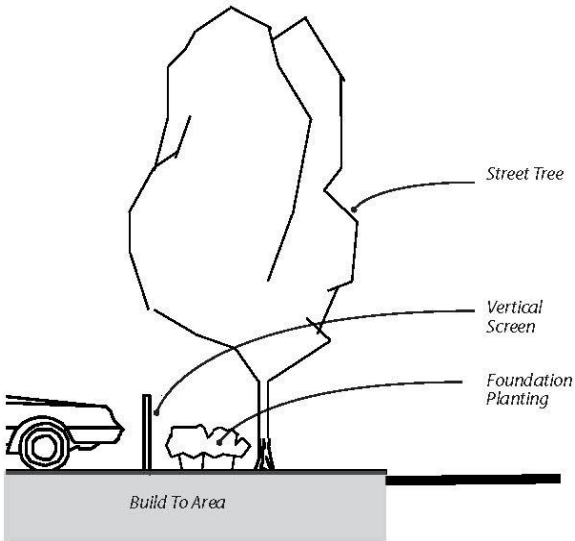
b. Driveways and/or curb cuts are not allowed along the Greenway Frontage.

c. Parking Within the Build To Area: Where parking is allowed within the Build To Area, parking shall be set back a minimum of 5 feet from the property line, and shall be screened by a vertical screen at least 36" in height (as approved by the Community Development Department) with the required landscape treatment.



d. Parking Contiguous to Langton Lake Park: Parking on property contiguous to Langton Lake Park shall be set back a minimum of 15 feet from the property line. The setback area shall be landscaped consistent with the requirements of Section 1011.03 of this Title.

5. Landscaping



a. Greenway Frontage: 1 tree is required per every 30 linear feet of Greenway Frontage

b. Urban and Flexible Frontage

i. 1 tree is required per every 30 linear feet of Urban and/or Flexible Frontage. ii. Parking Within the Build To Area: If parking is located within the Build To Area, the required vertical screen in the setback area shall be treated with foundation plantings, planted at the base of the vertical screen in a regular, consistent pattern.

6. Public Park Connections

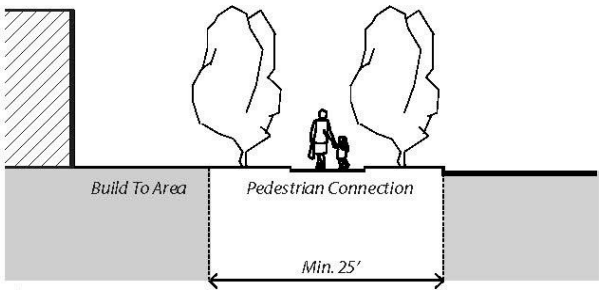
a. Each pedestrian corridor identified below shall be a minimum of 25 feet wide and include a paved, multi-use path constructed to specifications per the City of Roseville. Each pedestrian connection shall also contain the following minimum landscaping:

i. 13-caliper-inch tree for every 20 lineal feet of the length of the pedestrian corridor. Such trees shall be hardy and urban tolerant, and may include such varieties as red buckeye, green hawthorn, eastern red cedar, amur maackia, Japanese tree lilac, or other variety approved by the Community Development Department.

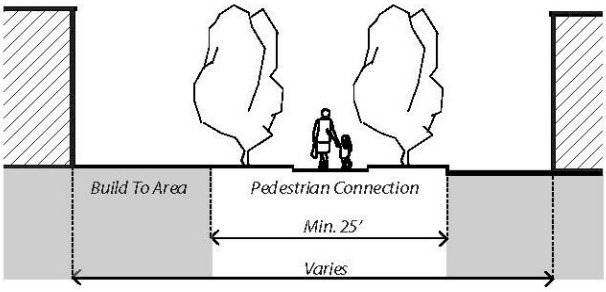
ii. 12 5-gallon shrubs, ornamental grasses, and/or perennials for every 30 lineal feet of the pedestrian corridor. Such plantings may include varieties like hydrangea, mockorange, ninebark, spirea, sumac, coneflower, daylily, Russian sage, rudbeckia, sedum, or other variety approved by the Community Development Department.

iii. All plant materials shall be within planting beds with wood mulch.

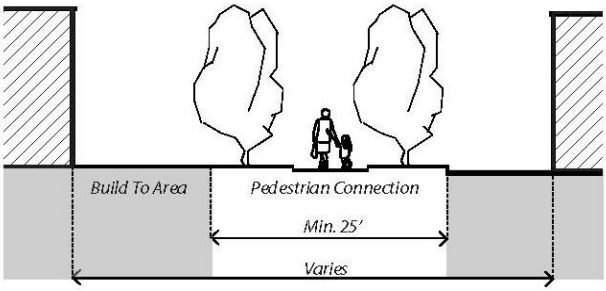
b. County Road C2 Connection: A pedestrian corridor shall be built that connects adjacent properties to the Langton Lake Park path.



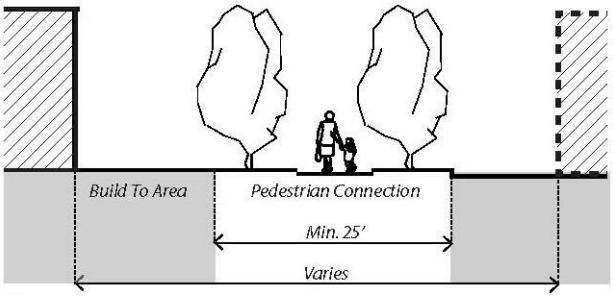
c. Langton Lake Park/Mount Ridge Road Connection: A pedestrian corridor shall be built that connects Mount Ridge Road to the Langton Lake Park path.



d. Langton Lake Park/Prior Avenue Connection: A pedestrian corridor shall be built that connects Prior Avenue to the Langton Lake Park path.



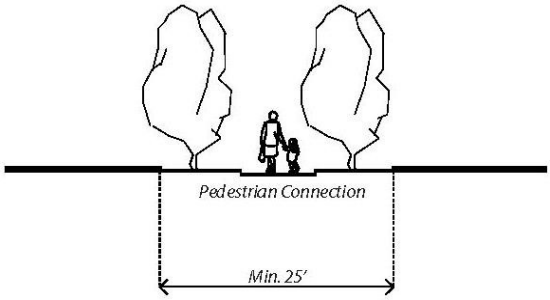
e. Iona Connection



i. A pedestrian corridor shall be built that connects Mount Ridge Road to Fairview Avenue, intersecting with Langton Lake Park and Twin Lakes Parkway.

ii. The pedestrian corridor shall take precedent over the Build To Area. In any event, the relationship of buildings to the pedestrian corridor shall be consistent with the required frontage.

f. Langton Lake Connection: A pedestrian corridor shall be built that connects the adjacent properties to Langton Lake Park path.



(Ord. 1403, 12-13-2010) (Ord. 1415, 9-12-2011) (Ord. 1467, 4-21-2014)

~~F. TABLE OF ALLOWED USES~~

~~1. Uses marked as "P" are permitted in the districts where designated.~~

~~2. Uses marked with a "C" are allowed as conditional uses in the districts where designated , in compliance with all applicable standards.~~

~~3. Uses marked as "NP" are not permitted in the districts where designated.~~

~~4. A "Y" in the "Standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011 of this Title; standards for conditional uses are included in Section 1009.02 of this Title.~~

~~5. Combined uses: Allowed uses may be combined within a single building, meeting the following standards.~~

~~a. Residential units in mixed-use buildings shall be located above the ground floor or on the ground floor to the rear of nonresidential uses;~~

~~b. Retail and service uses in mixed-use buildings shall be located at ground floor or lower levels of the building; and~~

~~c.g. Nonresidential uses are not permitted above residential uses.~~

~~Table 1005-5~~	~~CMU-1~~	~~CMU-2~~	~~CMU-3~~	~~CMU-4~~	~~Standards~~
~~Office Uses~~					
~~Clinic, medical, dental, or optical~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~General~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Office showroom~~	~~C~~	~~P~~	~~P~~	~~P~~	
~~Commercial Uses~~					
~~Animal Boarding (exclusively indoors)~~	~~C~~	~~P~~	~~P~~	~~P~~	~~Y~~

~~Animal Boarding (outdoors)~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Animal hospital/veterinary clinic~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Bank/financial institution~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Club or lodge, private~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Daycare center~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Grocery store~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Health club/fitness center~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Learning studio (martial arts, visual or performing arts~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Liquor store~~	~~C~~	~~P~~	~~P~~	~~P~~	
~~Lodging (hotel)~~	~~NP~~	~~NP~~	~~NP~~	~~P~~	
~~Mini-storage~~	~~NP~~	~~Np~~	~~NP~~	~~NP~~	
~~Mortuary/funeral home~~	~~C~~	~~P~~	~~P~~	~~P~~	
~~Motor fuel sales (gas station)~~	~~NP~~	~~C~~	~~C~~	~~C~~	~~Y~~
~~Motor vehicle rental/leasing~~	~~NP~~	~~C~~	~~C~~	~~C~~	~~Y~~
~~Motor vehicle repair, auto body shop~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~Y~~
~~Motor vehicle dealer (new vehicles)~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Movie theater~~	~~NP~~	~~P~~	~~P~~	~~P~~	
~~Outdoor display~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Outdoor storage, equipment and goods~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~Y~~
~~Outdoor storage, fleet vehicles~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~Y~~
~~Outdoor storage, inoperable vehicles/equipment~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Outdoor storage, loose materials~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	

~~Parking~~	~~C~~	~~C~~	~~C~~	~~C~~	
~~Pawn ship~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Restaurants, fast food~~	~~C~~	~~C~~	~~P~~	~~P~~	
~~Restaurants, fast food w/ drive-through~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Restaurants, traditional~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Retail, general and personal service~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Retail, large format~~	~~NP~~	~~NP~~	~~NP~~	~~C~~	
~~Vertical mixed use~~	~~NP~~	~~C~~	~~P~~	~~P~~	
~~Brewpub~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Microbrewery~~	~~C~~	~~C~~	~~P~~	~~P~~	
~~Industrial Uses~~					
~~Laboratory for research, development and/or testing~~	~~C~~	~~P~~	~~P~~	~~P~~	
~~Light industrial~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Limited production/processing~~	~~C~~	~~P~~	~~P~~	~~P~~	
~~Limited warehousing/distribution~~	~~C~~	~~C~~	~~C~~	~~C~~	~~Y~~
~~Manufacturing~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Warehouse~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Brewery~~	~~NP~~	~~NP~~	~~C~~	~~C~~	
~~Distillery~~	~~C~~	~~C~~	~~C~~	~~C~~	
~~Residential Family Living~~					
~~Accessory dwelling unit~~	~~P~~	~~P~~	~~NP~~	~~NP~~	~~Y~~
~~Live-work unit~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Manufactured home park~~	~~C~~	~~C~~	~~C~~	~~C~~	

~~Multi-family (≥3 units/building)~~	~~C~~	~~C~~	~~C~~	~~C~~	
~~One-family attached (duplex or twinhome)~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~One-family attached (townhome or row house)~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~One-family detached~~	~~C~~	~~C~~	~~NP~~	~~NP~~	
~~Residential Group Living~~					
~~Assisted living~~	~~C~~	~~C~~	~~C~~	~~C~~	
~~Nursing home~~	~~C~~	~~C~~	~~C~~	~~C~~	~~Y~~
~~State licensed facility for 1-6 persons~~	~~C~~	~~C~~	~~C~~	~~C~~	~~Y~~
~~State licensed facility for 7-16 persons~~	~~C~~	~~C~~	~~C~~	~~C~~	~~Y~~
~~Student housing~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Civic and Institutional Uses~~					
~~College, campus setting~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~Y~~
~~College, office setting~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Community center, library, municipal building~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Elementary/secondary school~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~Y~~
~~Hospital~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	
~~Place of assembly~~	~~C~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Theater/performing arts center~~	~~C~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Accessory Uses, Buildings, and Structures~~					
~~Accessibility ramp/other accommodations~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Bed & Breakfast establishment~~	~~C~~	~~C~~	~~C~~	~~C~~	
~~Communications equipment (TV, shortwave-radio)P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Day care family/group family~~	~~P~~	~~P~~	~~NP~~	~~NP~~	~~Y~~

~~Detached garage/off-street parking~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Drive-throughs~~	~~NP~~	~~NP~~	~~C~~	~~C~~	~~Y~~
~~Gazebo, arbor, patio, play equipment~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Home occupation~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Renewable energy system~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Roomer/boarder~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Storage building~~	~~P~~	~~P~~	~~NP~~	~~Np~~	~~Y~~
~~Swimming pool, hot tub, spa~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Telecommunication tower~~	~~C~~	~~C~~	~~C~~	~~C~~	~~Y~~
~~Tennis/other recreational court~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Taproom~~	~~C~~	~~C~~	~~P~~	~~P~~	
~~Cocktail Room~~	~~C~~	~~C~~	~~P~~	~~P~~	
~~Temporary Uses~~					
~~Temporary building for construction purposes~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Sidewalk sales, boutique sales~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Portable storage container~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Y~~
~~Utilities/Transportation Uses~~					
~~Essential services~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Park-and-ride facility~~	~~NP~~	~~P~~	~~P~~	~~P~~	
~~Transit Center~~	~~NP~~	~~P~~	~~P~~	~~P~~	

~~(Ord. 1483, 10/26/2015) (Ord. 1566, 10/22/2018)~~

1005.06: ~~COMMUNITY BUSINESS (CB)~~ CORRIDOR MIXED USE (MU-3) DISTRICT

A. Statement of Purpose: The ~~Community Business~~ Corridor Mixed Use District is designed for shopping areas with moderately scaled retail and service uses, including shopping centers~~,~~ and freestanding businesses, ~~and~~ as well as high density residential and mixed-use buildings with upper-

story residential uses. ~~CB Districts are~~ The Comprehensive Plan's goal is for Corridor Mixed Use areas to incorporate residential land uses accounting for at least 10% of the overall mixed-use area. The MU-3 District is intended to be located in areas with visibility and access to the arterial street system. The district is also intended to:

1. Encourage and facilitate pedestrian, bicycle and transit access; and
2. Provide adequate buffering of surrounding neighborhoods.

B. Dimensional Standards:

Table 1005-3	
Minimum Lot Area	No requirement
Maximum building height	~~40~~ 45 feet
Front yard building setback (min – max)	0 to 25 feet[a]
Minimum side yard building setback	6 feet where windows are located on a side wall of an abutting property 20 feet or 50% of building height, whichever is greater, from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet
a Unless it is determined by the Community Development Department that a certain setback minimum distance is necessary for the building or to accommodate public infrastructure. B Unless greater setbacks are required under Section 1011.12 E.1. of this Title.	

C. Residential Density: ~~Residential densities shall not exceed 24 units per acre.~~

1. Residential densities shall not be less than 13 units per acre.

~~1.~~2. Residential densities shall not exceed 36 units per acre.

~~C.~~D. Improvement Area: The total improved area, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85% of the total parcel area.

~~D.~~E. Frontage Requirement: A minimum of 30% of building facades abutting a primary street shall be placed within 25 feet of the front lot line along that street.

~~E.~~F. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

~~F.~~G. Parking Placement: When parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage, and/or other site design issues are shown to require additional space. Screening alongside and rear lot lines abutting residential properties is required, consistent with Chapter 1011 of this Title.

1005.07: ~~REGIONAL BUSINESS (RB)~~ CORE MIXED USE (MU-4) DISTRICT~~S~~

A. Statement of Purpose: The ~~RB~~ MU-4 District is designed for businesses that provide goods and services to a regional market area, including regional-scale malls, shopping centers, large-format stores, multi-story office buildings and automobile dealerships~~RB~~, as well as high density residential uses. The Comprehensive Plan's goal is for Core Mixed Use areas to incorporate residential land uses accounting for at least 10% of the overall mixed-use area. The MU-4 District~~s are~~ is intended for locations with visibility and access from the regional highway system. The district is also intended to:

1. Encourage a "park once" environment within districts by enhancing pedestrian movement and a pedestrian-friendly environment;
2. Encourage high quality building and site design to increase the visual appeal and continuing viability of development in the ~~RB~~ MU-4 District; and
3. Provide adequate buffering of surrounding neighborhoods.

B. Design Standards: The standards in Section 1005.02 shall apply except that ground floor facades that face or abut public streets shall incorporate one or more of the following features along at least 60% of their horizontal length:

1. Windows and doors with clear or slightly tinted glass to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas;
2. Customer entrances;
3. Awnings, canopies, or porticoes; and
4. Outdoor patios or eating areas.

C. Dimensional Standards:

Table 1005-4	Non-Residential and Mixed Use	Multi-Family Uses
Minimum lot area	No requirement	No requirement
Maximum improvement area	85%	85%

Table 1005-4	Non-Residential and Mixed Use	Multi-Family Uses
Minimum density	~~NA~~20 Units/net acre	~~24~~20 Units/net acre
Maximum density	~~NA~~36 Units/net acre[b]	36 Units/net acre[b]
Maximum building height	65 feet Higher than 65 feet, up to 100 feet requires CU	~~100~~ 65 feet Higher than 65 feet, up to 100 feet requires CU
Minimum front yard building setback	No requirement (see frontage requirement below)	
Minimum side yard building setback		
Street	No requirement (see frontage requirement below)	Minimum 5 feet to deck, porch or patio, 10 feet to principle structure
Interior courtyard	NA	15 Feet
Interior	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 20 feet or 50% of building height, whichever is greater, from residential lot boundary Otherwise not required	NA
Interior - adjacent to LDR~~-1~~, ~~LDR-2~~LMDR, and MDR	NA	20 feet or 50% of building height, whichever is greater[a]
Interior - adjacent all other district	NA	10 feet or 50% of building height, whichever is greater[a]
Corners	NA	20% Height of the building[a]
Minimum rear yard building setback		
Minimum rear yard building setback	25 feet or 50% of building height, whichever is greater, from residential lot boundary	25 feet or 50% of building height, whichever is greater[a]

Table 1005-4	Non-Residential and Mixed Use	Multi-Family Uses
	10 feet from nonresidential boundary[a]	
Minimum surface parking setback	5 feet	5 feet
a The City may require a greater or lesser setback based on surrounding land uses. b Density may be increased to more than 36 units/net acre with approved conditional use		

(Ord. 1542 2-12-2018)

D. Improvement Area: The total improved area, including paved surfaces and footprints of principal and accessory buildings or structures, shall not exceed 85% of the total parcel area.

E. Frontage Requirement: A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:

1. At least 50% of the street frontage shall be occupied by building facades placed within 20 feet of the front lot line. No off-street parking shall be located between the facades meeting this requirement and the street.
2. At least 60% of the street frontage shall be occupied by building facades placed within 65 feet of the front lot line. Only 1 row of parking and a drive aisle may be placed within this setback area.
3. At least 70% of the street frontage shall be occupied by building facades placed within 85 feet of the front lot line. Only 2 rows of parking and a drive aisle may be placed within this setback area.

F. Access and Circulation: Within shopping centers or other large development sites, vehicular circulation shall be designed to minimize conflicts with pedestrians.

G. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

H. Standards for Nighttime Activities: Uses that involve deliveries or other activities between the hours of 10:00 P.M. and 7:00 A.M. (referred to as “nighttime hours”) shall meet the following standards:

1. Off-street loading and unloading during nighttime hours shall take place within a completely enclosed and roofed structure with the exterior doors shut at all times.
2. Movement of sweeping vehicles, garbage trucks, maintenance trucks, shopping carts, and other service vehicles and equipment is prohibited during nighttime hours within 300 feet of a residential district, except for emergency vehicles and emergency utility or maintenance activities.
3. Snow removal within 300 feet of a residential district shall be minimized during nighttime hours, consistent with the required snow management plan.

CHAPTER 1006 EMPLOYMENT DISTRICTS

SECTION:

1006.01: Statement Of Purpose

1006.02: Design Standards

1006.03: Table Of Allowed Uses

1006.04: ~~Office/Business Park (BP)~~ Employment Area (E-1) and Employment Center (E-2) Districts

1006.05: Industrial (I) District

1006.01: STATEMENT OF PURPOSE

The employment districts are designed to foster economic development and redevelopment and to enhance opportunities for business expansion and growth. They are also intended to:

A. Encourage reinvestment, revitalization, and redevelopment of retail, office, and industrial properties to maintain a stable tax base, provide new living-wage job opportunities, and increase the aesthetic appeal of the city;

B. Encourage appropriate transitions between higher-intensity uses within employment centers and adjacent lower-density residential districts; and

C. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm.

1006.02: DESIGN STANDARDS

The following standards apply to all development within the employment districts.

A. Landscaping: All yard space between the building setback line and the street right-of- way line not utilized for driveways, parking of vehicles, or pedestrian elements shall be landscaped with grass, trees, and other landscape features as may be appropriate.

B. Entrance Orientation: At least one building entrance shall be oriented to the primary abutting public street. The entrance must have a functional door. Entrances shall be clearly visible and identifiable from the street.

C. Materials: All exterior wall finishes on any building must be a combination of the following materials: No less than 60% face brick; natural or cultured stone; textured pre-cast concrete panels, pre-colored or factory stained or stained on site textured concrete block; stucco; glass; fiberglass; or similar materials and no more than 40% pre-finished metal, cor-ten steel, copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city. Other new materials of equal quality to those listed may be approved by the Community Development Department.

D. Overhead Doors: Overhead Doors shall be located on rear or side facades

E. Rooftop Equipment: Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

F. Service Areas and Mechanical Equipment: Service areas, utility meters, and building mechanical equipment shall not be located on the street side of a building or on a side wall closer than 10 feet to the street side of a building.

(Ord. 1435, 4-8-2013) (Ord. 1494A, 2/22/2016)

1006.03: TABLE OF ALLOWED USES

Table 1006-1 lists all permitted and conditional uses in the employment districts.

A. Uses marked as "P" are permitted in the districts where designated.

B. Uses marked with a "C" are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.

C. Uses marked as "NP" are not permitted in the districts where designated.

D. "Y" in the "Standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

Table 1006-1	~~O/BP~~E-1	~~O/BP-1~~E-2	I	Standards
Office and Health Care Uses				
Office	P	P	P	
Clinic, medical, dental, or optical	P	P	NP	
Hospital	C	C	NP	
Office showroom	P	P	P	
College or post-secondary school, office-based	P	P	P	
Manufacturing, Research, and Wholesale Uses				
Artisan workshop	NP	NP	P	Y

Table 1006-1	~~O/BP~~E-1	~~O/BP-1~~E-2	I	Standards
Asphalt plant, batch or other	NP	NP	NP	
Catering establishment	NP	NP	P	
Concrete plant, batch or other	NP	NP	NP	
Contractor's yard	NP	C	P	
Contractor's yard - limited	NP	C	P	
Crushing of aggregate as a principal use	NP	NP	NP	
Distribution center	NP	NP	P	
Fertilizer plant	NP	NP	NP	
Laboratory for research, development, and/or testing	P	P	P	
Leather and fur tanning, curing, finishing, and dyeing	NP	NP	NP	
Limited production and processing	P	P	P	
Limited warehousing and distribution	P/C	P/C	P	Y
Manufacturing and processing, no outdoor activities/	NP	NP	P	Y
Manufacturing and processing, outdoor activities/	NP	NP	C	Y
Outdoor Display	P	P	P	Y
Outdoor storage, equipment and goods	C	C	P	Y
Outdoor storage, fleet vehicles	C	C	P	Y
Outdoor storage, inoperable/out of service vehicles or equipment	C	C	P	Y
Outdoor storage, loose materials	NP	NP	C	Y

Table 1006-1	~~O/BP~~E-1	~~O/BP-1~~E-2	I	Standards
Manufacturing and processing of clay products, structural such as brick, fire brick, tile, and pipe	NP	NP	NP	
Manufacturing of insecticides, fungicides, disinfectants, and related industrial and household chemical compounds	NP	NP	NP	
Metal casting or foundry	NP	NP	NP	
Metals, precious and rare, reduction, smelting and refining	NP	NP	NP	
Parking	C	C	C	Y
Petroleum refinery	NP	NP	NP	
Printing	P	P	P	
Pulp processing plant (paper mill)	NP	NP	NP	
Recycling center	NP	NP	P	
Salvage or junk yard	NP	NP	NP	
Slaughtering of animals	NP	NP	NP	
Tire plant or tire recapping plant or facility	NP	NP	NP	
Warehouse	NP	P	P	
Wholesale establishment	P	P	P	
Wood treatment plant	NP	NP	NP	
Brewery	NP	NP	P	
Distillery	NP	NP	P	
Commercial Uses, Personal				
General retail sales and personal service***	P	P	NP	Y

Table 1006-1	~~O/BP~~E-1	~~O/BP-1~~E-2	I	Standards
Animal boarding, animal day care, kennel	NP	NP	P	Y
Animal hospital, veterinary clinic	P	P	NP	Y
Bank, financial institution	P	P	C	
Building materials sales, lumberyard	NP	NP	P	
Day care center	P	P	NP	Y
Health club, fitness center	C	C	NP	
Learning studio (martial arts, visual/performing arts)	P	P	NP	
Lodging: hotel, motel	P	P	P	
Mini-storage	NP	NP	P	
Motor fuel sales, gas station (includes repair)	C	C	P	Y
Motor vehicle repair, large	NP	NP	P	
Motor vehicle dealer, rental/leasing	NP	NP	C	Y
Restaurant, fast food	P	P	NP	Y
Restaurant, traditional	P	P	NP	
Brewpub	P	P	C	
Microbrewery	P	P	P	
Utilities and Transportation				
Essential services	P	P	P	
Motor freight terminal	NP	NP	C	
Park-and-ride facility	C	C	C	
Transit center	C	C	C	

Table 1006-1	~~O/BP~~E-1	~~O/BP-1~~E-2	I	Standards
Accessory Uses, Buildings, and Structures				
Accessory buildings for storage of business supplies and equipment	P	P	P	Y
Accessibility ramp and other accommodations	P	P	P	
Caretaker's dwelling	C	C	C	
Drive-through facility	C	C	NP	Y
Off-street parking spaces	P	P	P	Y
Telecommunications tower	C	C	C	Y
Renewable energy system	P	P	P	Y
Taproom	P	P	P	
Cocktail Room	P	P	P	

(Ord. 1427, 7-9-2012; Ord. 1544, 2-12-2018) (Ord. 1566, 10-22-2018)

1006.04: ~~OFFICE/BUSINESS PARK (BP)~~ EMPLOYMENT (E-1) AND EMPLOYMENT CENTER (E-2) DISTRICTS

A. Statement of Purpose: The ~~Business Park~~ Employment (E-1) and Employment Center (E-2) Districts ~~is~~ are designed to foster the development of business parks that integrate complementary employment and related uses in an attractive, efficient and functional environment. ~~The district is also intended to:~~

1. The districts is are also intended to:

   a. Provide readily accessible services for employees;

   b. Provide pedestrian, bicycle, and transit connections to and through the business park;

   c. Maintain and improve the quality of the natural landscape within the business park; and

   d. Provide appropriate transitions to surrounding neighborhoods and districts.

2. The E-1 District is the more restrictive district, limiting uses to smaller scale offices and excluding the most intensive employment land uses, and is intended for application to smaller employment sites.

~~2.~~3. The E-2 District is less restrictive, being open to a wider mix of employment land uses, and is intended for larger employment areas located in close proximity to highways and major transportation corridors.

B. Design Standards: The standards in Section 1006.02 shall apply, with the following additions:

1. Integrated Design: In the design of any business park, buildings and complementary uses shall be connected in a logical and cohesive manner by streets, sidewalks, trails, open space, and natural areas that combine to create a pedestrian-friendly environment. A pattern of blocks and interconnected streets is preferred.

2. Four-sided Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.

3. Maximum Building Length: Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry.

C. Dimensional Standards:

Table 1006-2	
Minimum lot area	20,000 Square Feet
Minimum lot width	60 Feet
Maximum building height	60 Feet[a]
Minimum front yard building setback	See frontage requirement (E)
Minimum side yard building setback	10 Feet 40 Feet from residential lot boundary
Minimum rear yard building setback	10 Feet 40 Feet from residential lot boundary
Minimum Parking Setbacks	
Front yard	Equal to front yard building setbacks
Side or rear yard	5 Feet[b] 40 Feet from residential lot boundary
a Increased building height allowed as a conditional use. b The Community Development Department may waive the minimum side and/or rear yard parking setbacks when parking facilities are to be shared with adjoining Employment Districts properties.	

(Ord. 1411, 6-13-2011)

D. Improvement Area: The improved areas, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 75% in the E-1 District and 85% in the E-2 District of the total development parcel area.

E. Frontage Requirement: A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:

1. At least 50% of the street frontage shall be occupied by building facades placed within 20 feet of the front lot line. No off-street parking shall be located between the facades meeting this requirement and the street.

2. At least 60% of the street frontage shall be occupied by building facades placed within 65 feet of the front lot line. Only one row of parking and a drive aisle may be placed within this setback area.

3. At least 70% of the street frontage shall be occupied by building facades placed within 85 feet of the front lot line. Only two rows of parking and a drive aisle may be placed within this setback area.

1006.05: INDUSTRIAL (I) DISTRICT

A. Statement of Purpose: The Industrial District is designed to provide suitable sites for manufacturing, assembly, processing, warehousing, laboratory, distribution, related office uses, and truck/transportation terminals. The district is also designed to:

1. Minimize any external physical effects of such operations on surrounding less intensive uses;

2. Encourage and facilitate pedestrian, bicycle, and transit access throughout the industrial areas of the city; and

3. Encourage development of an attractive and well-landscaped physical environment within the industrial areas of the city.

B. Design Standards: In addition to the standards in Section 1006.02, storage of inoperative vehicles and/or inoperative equipment shall be conducted entirely within an enclosed structure.

C. Dimensional Standards:

Table 1006-3	
Minimum lot area	None
Maximum building height	60 Feet
Minimum front yard building setback	30 Feet
Minimum Side Yard Building Setbacks	
Interior	10 Feet

	40 Feet from residential lot boundary
Corner	30 Feet from street right-of-way
Minimum rear yard building setback	20 Feet 40 Feet from residential lot boundary
Minimum Parking Setbacks	
Front or corner side yard	See parking placement (E)
Interior side or rear yard	5 Feet[a] 40 Feet from residential lot boundary
a The Community Development Department may waive the minimum side and/or rear yard parking setbacks when parking facilities are to be shared with adjoining Employment Districts properties.	

(Ord. 1411, 6-13-2011)

D. Improvement Area: The improved areas, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85% of the total development parcel area.

E. Parking Placement: When parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and 2 rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage and/or other site design issues are shown to require additional space.

F. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

(Ord. 1403, 12-13-2010)

CHAPTER 1007 INSTITUTIONAL DISTRICT

SECTION:

1007.01: Statement Of Purpose

1007.02: Design Standards

1007.03: Table of Allowed Uses

1007.01: STATEMENT OF PURPOSE

The Institutional District is designed to:

A. Permit and regulate a variety of governmental, educational, religious, and cultural uses that provide important services to the community. These uses are not located within a particular geographic area and are often in proximity to lower-density residential districts.

B. Require appropriate transitions between higher-intensity institutional uses and adjacent lower-density residential districts.

C. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.

1007.02: DESIGN STANDARDS

The following standards apply to new buildings and major expansions of existing buildings (i.e., expansions that constitute 50% or more of building floor area) in the Institutional District. Design standards apply only to the portion of the building or site that is undergoing alteration.

A. Corner Building Placement: At intersections, buildings shall have front and side facades aligned at or near the front property line.

B. Entrance Orientation: Primary building entrances shall be oriented to the primary abutting public street. The entrance must have a functional door. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.

C. Vertical Facade Articulation: Buildings shall be designed with a base, a middle and a top, created by variations in detailing, color and materials. A single-story building need not include a middle.

   1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.

   2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.

D. Horizontal Facade Articulation: Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:

   1. Stepping back or extending forward a portion of the facade;

   2. Variations in texture, materials or details;

3. Stepbacks of upper stories; or
4. Placement of doors, windows and balconies.

E. Window and Door Openings:

1. Windows, doors, or other openings shall comprise at least 60% of the length and at least 40% of the area of any ground floor facade fronting a public street. At least 50% of the windows shall have the lower sill within 3 feet of grade.
2. Windows, doors, or other openings shall comprise at least 20% of side and rear ground floor facades not fronting a public street. On upper stories, windows, or balconies shall comprise at least 20% of the facade area.
3. Glass on windows and doors shall be clear or slightly tinted to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas.
4. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building facade.
5. Displays may be placed within windows. Equipment within buildings shall be placed at least 5 feet behind windows.

F. Materials: All exterior wall finishes on any building must be a combination of the following materials: No less than 60% face brick; natural or cultured stone; pre-colored factory stained or stained on site textured pre-cast concrete panels; textured concrete block; stucco; glass; fiberglass or similar materials and no more than 40% pre-finished metal, cor-ten steel, copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city. Other materials of equal quality to those listed may be approved by the Community Development Department.

G. Four-sided Building Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street- facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.

H. Special or Object-Oriented Buildings: In some cases, a uniquely designed building may be proposed that is considered outside of these stated Standards due to its purpose, use, design, and/or orientation (e.g. a memorial, special civic function, etc.). If such a building is proposed, then it may be considered independently of these standards and would be subject to final approval by the City Council.

I. Maximum Building Length: Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry, except where a more restrictive standard is specified for a specific district.

J. Garage Doors and Loading Docks: Loading docks shall be located on rear or side facades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50% of the total length of the building front.

K. Rooftop Equipment: Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

L. Dimensional Standards:

Table 1007-1	
Minimum lot area	No requirement
Maximum building height	60 Feet
Front yard building setback (min. - Max.)	No requirement
Minimum side yard building setback	10 Feet where windows are located on a side wall or on an adjacent wall of an abutting property 20 Feet from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 Feet from residential lot boundary 10 Feet from nonresidential boundary
Minimum surface parking setback	15 Feet from the property line 20 Feet from the property line abutting a residential property

M. Improvement Area: Improved area, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 75%.

N. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

O. Parking Placement: Where parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage and/or other site design issues are shown to require additional space. Screening along side and rear lot lines abutting residential properties is required, consistent with Section 1011.03B.

(Ord. 1435, 4-8-2013) (Ord. 1494A, 2/22/2016)

2159 **1007.03: TABLE OF ALLOWED USES**

2160 Table 1007-2 lists all permitted and conditional uses in the Institutional District.

2161 A. Uses marked as "P" are permitted.

2162 B. Uses marked with a "C" are allowed as conditional uses in the district where designated.

2163 C. A "Y" in the "Standards" column indicates that specific standards must be complied with, whether the
2164 use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property
2165 Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

Table 1007-2	INST	Standards
Civic/Institutional		
Cemetery	P	
College, or post-secondary school, campus	C	Y
Community center	P	
Emergency services (police, fire, ambulance)	P	
Table 1007-2	INST	Standards
Government office	P	
Library	P	
Museum, cultural center	P	
Multi-purpose recreation facility, public	P	
Place of assembly	P	Y
Parking, off-site	C	Y
School, elementary or secondary	P	
Theater, performing arts center	P	
Transportation		
Maintenance facility	C	
Park and ride facility	C	
Accessory Uses, Buildings, and Structures		

Table 1007-2	INST	Standards
Accessibility ramp and other accommodations	P	
Accessory structure	P	
Athletic fields	P	
Athletic fields with lights	C	
Garden, public or community (flowers or vegetables)	P	Y
Gymnasium	P	
Portable restroom facilities	P	Y
Public announcement system	C	
Renewable energy systems	P	Y
Swimming pool	P	
Telecommunication towers	C	Y
Trash receptacle	P	

2166 (Ord. 1403, 12-13-2010) (Ord. 1427, 7-9-2012)

CHAPTER 1008 PARK AND RECREATION DISTRICT

SECTION:

1008.01: Statement of Purpose

1008.02: Design Standards

1008.03: Table of Allowed Uses

(Ord. 1405, 2-28-2011)

1008.01: STATEMENT OF PURPOSE

Park and Recreation District apply to public and private lands oriented toward active and/or passive recreational opportunities that are predominantly outdoors. The purpose of the Parks and Recreation district is to establish regulations that will support the natural and manufactured amenities identified in the Roseville Parks and Recreation System Master Plan and Ramsey County Parks and Recreation System Plan, to facilitate high quality recreational experiences elsewhere, and to ensure that such recreational structures and activities are located and arranged so as to minimize potential negative and maximize positive impacts to surrounding properties.

1008.02: DESIGN STANDARDS

The following standards shall apply to all new roofed and enclosed buildings and major expansions of similar existing buildings (i.e., expansions that constitute 50% or more of building floor area) in the recreation district. Design standards apply only to the portion of the building or site that is undergoing alteration. (Ord.1405, 2-28-2011)

A. Vertical Facade Articulation: Buildings shall be designed with a base and a top, created by variations in detailing, color, and materials.

   1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.

   2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.

B. Horizontal Facade Articulation: Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:

   1. Stepping back or extending forward a portion of the facade;

   2. Variations in texture, materials or details; or

   3. Placement of doors, windows, and balconies.

C. Materials: All exterior wall finishes on any building must be one or a combination of the following materials: wood lapsiding or shakes (preferably cedar), face brick, natural or cultured stone, pre-colored or factory stained or stained on site textured pre-cast concrete panels, textured concrete block, stucco, glass, fiberglass or similar materials. In addition to the above materials, accent materials, not exceeding 10% of any exterior building elevation, may include pre-finished metal, cor-ten steel,

copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Other new materials of equal quality to those listed, including the use of commercial grade lap-siding~~ in the Neighborhood Business District~~, may be approved by the Community Development Department.

D. Dimensional Standards: Recreation facilities, excluding trails or pathways, shall be set back 20 feet from property lines abutting residential districts.

E. Four-Sided Building Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street- facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.

F. Maximum Building Length: Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry.

G. Special or Object-Oriented Buildings: In some cases, a uniquely designed building may be proposed that is considered outside of these stated Standards due to its purpose, use, design, and/or orientation (e.g. a memorial, special civic function, etc.). If such a building is proposed, then it may be considered independently of these standards and would be subject to final approval by the City Council.

H. Garages Doors and Loading Docks: Loading docks shall be located on rear or side facades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50% of the total length of the building front.

I. Waste and Recycling Areas: Trash storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. The enclosure should be accessible, yet located away from main entries and residential uses. Seasonal trash storage areas shall be screened by a solid board-on- board fence and/or approved landscaping.

J. Buffer Strip: All new active uses (including dugouts, sports fields, park shelters, play structures, and other active park uses), maintenance structures, and parking lots, but excluding trails or pathways, shall be separated from residential uses by a minimum 20- foot wide landscaped buffer. A buffer strip that lies between parking lots, maintenance structures, and/or access roads and a residential use shall include screening of headlights to a minimum height of 42 inches, utilizing a combination of native plants, coniferous/deciduous trees, shrubs, solid board-on-board fencing, and/or landscaped berms. A buffer strip that lies adjacent to all other uses shall include sod or a combination of native plants, coniferous/deciduous trees, shrubs, and/or solid board-on- board fencing.

(Ord. 1405, 2-28-2011) (Ord. 1435, 4-08-2013)

1008.03: TABLE OF ALLOWED USES

(Ord. 1405, 2-28-2011)

Table 1008-1 lists all permitted and conditional uses in the Park and Recreation District.

A. Uses marked as “P” are permitted in the Park and Recreation District.

B. Uses marked with a "C" are allowed as conditional uses in the Park and Recreation District, in compliance with all applicable standards. However, uses that are listed as conditional are permitted if the use is consistent with the Roseville Parks and Recreation System Master Plan or the Ramsey County Parks and Recreation System Plan for a particular park and recreation use.

C. A "Y" in the "Standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

Table 1008-1	**REC**	**Standards**
Park and recreation uses	P	
Amphitheater	C	
Athletic fields with lights	C	
Golf course with club house (private or public)	C	
Dog park, off-leash	C	
Gardens, public or community (flower or vegetable)	P	
Sports courts with lights	C	
Waterparks/aquatic facilities	C	
Accessory Use, Buildings, and Structures		
Accessory structures	P	
Portable restroom facilities	P	Y
Public announcement systems	C	
Renewable energy systems	P	Y
Telecommunication tower	C	Y
Trash receptacles	P	

(Ord. 1403, 12-13-2010)

CHAPTER 1009 PROCEDURES

SECTION:

1009.01: Administrative Deviation

1009.02: Conditional Uses

1009.03: Interim Uses

1009.04: Variances

1009.05: Changes to Approved Plans

1009.06: Zoning Changes

1009.07: Developer Open House Meetings

1009.08: Appeals

1009.01: ADMINISTRATIVE DEVIATION

A. Purpose: Administrative deviations are intended to encourage owners of residential properties in LDR ~~1~~ or ~~LDR 2~~ LMDR Districts to modernize and improve their properties while maintaining the overall character of the community. This is accomplished by allowing limited encroachments into certain required building and driveway setbacks and/or limited increases in fence height.

B. Exceptions: If any part of a proposal does not meet the requirements for administrative deviation as established in this section, the entire proposal shall be ineligible for administrative deviation approval; all deviations greater than what is described in this section shall adhere to the variance procedure established in Section 1009.04. If the entrance to a driveway with a nonconforming setback is reconstructed as part of a public improvement project or any other public action but is not closer than 2 feet from an interior side property line, the Community Development Department may approve a driveway setback deviation without adhering to the procedure described in Subsection D below.

C. Limitations by Category of Administrative Deviation:

1. Building Setback Deviation: A building setback deviation is a reduction of the required front, rear, interior side, and/or reverse-corner side yard setbacks for principal and/or accessory buildings. A building setback deviation shall not allow the encroachment of a building into public easements or required standard-corner side yard setbacks.

   a. A building setback deviation shall not be allowed for a principal building less than 20 years old. Age of a principal building is calculated by subtracting the year in which the building was constructed from the year of application for administrative deviation. Notwithstanding this age limitation, building setback deviations may be considered for newer homes which cannot be practically used by mobility-impaired occupants.

   b. A building setback deviation shall not allow principal building setbacks of less than 24 feet from front or rear property lines

   c. A building setback deviation shall not allow a principal building setback of less than 3 feet from an interior side property line.

d. A building setback deviation may allow principal buildings to extend toward a reverse-corner side property line as far as 70 feet from the opposite, interior side property line, provided that the reverse-corner side setback shall not be less than 15 feet. A building setback deviation from a reverse-corner side property line shall not be allowed on parcels created/subdivided after January 1, 2011.

e. A building setback deviation shall not allow an accessory building to be closer than 3 feet to a rear or interior side property line nor closer to a reverse-corner side property line than the principal building.

2. Driveway Setback Deviation: A driveway setback deviation is a reduction of the required interior side yard setback for driveways and parking/turnaround areas.

a. A driveway setback deviation shall not allow encroachments into the required setback of a driveway at the property line from corner side property lines established in Chapter 703 of the Code.

b. A driveway setback deviation shall not allow a driveway or parking area/turnaround setback less than 2 feet from an interior side property line.

c. A driveway setback deviation shall not allow a driveway or parking area/turnaround setback less than 10 feet from a corner side property line.

3. Fence Height Deviation: A fence height deviation is an increase of the required fence height limit to allow for better screening and/or noise reduction adjacent to highway rights-of-way, busy commercial areas, or other unusual properties. A fence height deviation shall not allow fences in excess of 8 feet in height.

D. Administrative Deviation Approval Process: The owner of property on which an administrative deviation is proposed shall file an application for approval of the administrative deviation by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed according to the process established in this section.

1. Hearing and Notification: The Community Development Department shall schedule an administrative hearing with the Administrative Deviation Committee (ADC) to consider the application. The applicant and contiguous property owners shall be notified in writing by the Community Development Department of the time and place of the administrative hearing not less than 5 days prior to such hearing. All property owners receiving notification of the administrative hearing shall be invited to comment on the proposed project and to attend the hearing.

2. Review of Application: During the administrative hearing described above, the ADC shall review applications for administrative deviation and provide recommendations pertaining to the approval or denial of the request; the Community Development Department may request additional review of applications from other City departments or public agencies.

3. Decision: After considering any public input and the recommendations of the above parties, the Community Development Department shall have the authority to approve or deny administrative deviation applications.

4. Appeal: No permits shall be issued for a project requiring an administrative deviation before the expiration of a mandatory 10-day appeal period beginning on the date of the decision of the Community Development Department; notwithstanding the following provisions, appeals of this decision shall adhere to the process established in Section 1009.08.
    a. Appeals may be made by the original applicant or those property owners notified of the administrative hearing pursuant to Subsection D1 above.
    b. If all of those property owners notified of the administrative hearing pursuant to Subsection D1 above indicate to the Community Development Department that they will not appeal the decision, the appeal period may be waived.

E. Considerations for Approval:

1. Building Setback Deviation: In addition to other requirements of this section, the ADC shall consider the following factors prior to recommending approval or denial of a building setback deviation:
    a. The affect of the proposed project on the functional use of the property;
    b. The affect of the proposed project on the enclosed storage on the property;
    c. The propensity of the proposed project to create or exacerbate a drainage problem;
    d. Whether the proposed building mass would be consistent with that on contiguous properties;
    e. The proper scaling and integration of a new roof with the existing roof of the principal building on the property;
    f. The affect of the proposed project on the aesthetic quality of the property;
    g. Whether the existing garage space on the property accommodates more than one vehicle; and
    h. Whether the proposed project places more vehicles adjacent to first floor bedrooms on contiguous properties.
2. Driveway Setback Deviation: In addition to other requirements of this section, the ADC shall consider the following factors prior to recommending approval or denial of a driveway setback deviation:
    a. The intended use of the proposed driveway or driveway expansion;
    b. The proximity of the proposed driveway to bedrooms on adjacent properties;
    c. The potential for the proposed driveway to cause storm water problems on adjacent properties;
    d. The aesthetic impact of the proposed driveway; and
    e. The incorporation of landscaping and/or fencing to screen the proposed driveway from adjacent properties.
3. Fence Height Deviation: In addition to other requirements of this section, the ADC shall consider the unique circumstances surrounding an applicant's property prior to recommending approval or denial of a fence height deviation.

F. Additional Conditions of Approval: The Community Development Department may add conditions to an administrative deviation approval in order to mitigate the impact(s) of a reduced building or driveway setback on adjacent properties. The Administrative Deviation Review Committee may recommend such conditions but such conditions shall be imposed or remitted at the discretion of the Community Development Department.

1009.02: CONDITIONAL USES

A. Purpose: Several land uses and structures have been designated as conditional uses in certain zoning districts; the purpose of the conditional use review process is to ensure that proposed conditional uses will satisfy applicable standards and criteria established for the protection of the public health, safety, and general welfare. Particular conditional uses may be subject to specific requirements in addition to the general standards and criteria pertaining to all conditional uses, and any conditional uses may be approved with conditions considered reasonable and necessary to enhance compatibility with surrounding uses.

B. Applications: The owner of property on which a conditional use is proposed shall file an application for approval of the conditional use by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. In addition, for applications pertaining to City-owned land in a Park and Recreation District, the proposed conditional use shall be reviewed for recommendation by the Parks and Recreation Commission prior to submission of an application for approval. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108 of this Code. If a proposed conditional use is denied, an application for substantially the same conditional use on the same property shall not be accepted within 1 year of the date of the denial.

C. General Standards and Criteria: When approving a proposed conditional use, the Planning Commission and City Council shall make the following findings:

1. The proposed use is not in conflict with the Comprehensive Plan;
2. The proposed use is not in conflict with any Regulating Maps or other adopted plans;
3. The proposed use is not in conflict with any City Code requirements;
4. The proposed use will not create an excessive burden on parks, streets, and other public facilities; and
5. The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.

D. Specific Standards and Criteria: When approving the conditional uses identified below, all of the additional, specific standards and criteria shall apply.

1. Animal Boarding, Animal Day Care, Kennel: If outside exercise runs or other outdoor activities are contemplated, the following standards shall be met:

a. Outdoor dog runs or exercise areas shall be located at least 100 feet from a residentially zoned property or property in residential use or shall have, at the time of application for conditional use approval, the written support of all owners of such properties within 100 feet; and

b. Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material.

2. Bank, Financial Institution: There are no specific standards for this use.

3. Bed and Breakfast Establishment:

a. The use shall only be conducted in a one-family dwelling and shall be limited to a maximum of 4 sleeping rooms.

b. Breakfast is the only meal that may be served, and it shall be limited to registered guests.

c. Length of stay shall not exceed 21 consecutive days for each registered guest.

4. Building Height Increase: There are no specific standards for increased building height where allowed by the applicable zoning district requirements

5. Caretakers Dwelling: There are no specific standards for this use.

6. College, or Post-secondary School, Campus:

a. A facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.

b. A campus master plan shall be required to address the management of pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses to mitigate any impacts of a new or expanded/intensified campus.

7. Communications Equipment - Shortwave Radio and TV Antennas: There are no specific standards for this use.

8. Community Residential Facility, State Licensed, Serving 7-16 Persons: there are no specific standards for this use.

9. Day Care Center: There are no specific standards for this use.

10. Day Care Facility, Group Family: There are no specific standards for this use.

11. Dormitory: There are no specific standards for this use.

12. Drive-through Facilities:

a. Drive-through lanes and service windows shall be located to the side or rear of buildings and shall not be located between the principal structure and a public street, except when the parcel and/or structure lies adjacent to more than one public street and the placement is approved by the Community Development Department.

b. Points of vehicular ingress and egress shall be located at least 60 feet from the street right-of-way lines of the nearest intersection.

c. The applicant shall submit a circulation plan that demonstrates that the use will not interfere with or reduce the safety of pedestrian and bicyclist movements. Site design shall

accommodate a logical and safe vehicle and pedestrian circulation pattern. Queuing lane space shall be provided, sufficient to accommodate demand, without interfering with primary driving, entrance, exit, pedestrian walkways, or parking facilities on site. The circulation plan shall be made a condition of approval and shall survive any and all users of the drive- through and may need to be amended from time to time to ensure continued compliance with this condition. Said amendments to the circulation plan will require an amendment to the conditional use.(Ord 1575, 07-22-2019)

d. Speaker box sounds from the drive-through lane shall not be loud enough to constitute a nuisance on an abutting residentially zoned property or property in residential use. Notwithstanding this requirement, such speaker boxes shall not be located less than 100 feet from an existing residentially zoned property or property in residential use. (Ord. 1563, 8-27-2018)

e. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

f. A 10-foot buffer area with screen planting and/or an opaque wall or fence between 6 and 8 feet in height shall be required between the drive-through lane and any property line adjoining a public street or residentially zoned property or property in residential use and approved by the Community Development Department.

13. Garden, Public or Community (flower or vegetable),greater than 10,000 square feet: There are no specific standards for this use.

14. Grocery Store: There are no specific standards for this use.

15. Health Club, Fitness Center: There are no specific standards for this use.

16. Hospital: There are no specific standards for this use.

17. Learning Studio: There are no specific standards for this use.

18. Limited Warehousing and Distribution: 9 or greater pick-up, cargo, and/or cube variety fleet delivery/distribution trucks. There are no specific standards for this use.

19. Liquor Store: There are no specific standards for this use.

20. Live-work Unit:

a. The work space component shall be located on the first floor or basement of the building, and shall have an entrance facing the primary abutting public street.

b. The dwelling unit component shall be located above or behind the work space, and shall maintain a separate entrance which is located on the front or side facade and accessible from the primary abutting public street.

c. The work space component of the unit shall not exceed 50% of the total gross floor area of the unit.

d. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified

limit which would require the building to be classified as a mixed-use building shall not be allowed.

e. The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It shall not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business, or auto service or repair for any vehicles other than those registered to residents of the property.

21. Maintenance Facility: There are no specific standards for this use.

22. Manufactured Home Park:

a. Minimum Dimensional Standards:

Table 1009-1	
Lot area	5,000 Square feet
Lot width	50 Feet
Lot depth	100 Feet
Front yard setback	20 Feet
Side yard	10 Feet
Rear yard	15 Feet
Setback from public right-of-way	50 Feet
Setback from exterior boundary	25 Feet
Distance between mobile homes	20 Feet
Setback from permanent ponding area	75 Feet

b. Sidewalks: A concrete sidewalk at least 3 feet 6 inches wide shall be built and maintained by the owner or operator providing access to all mobile home sites, recreational areas, common use buildings, storage areas, and the primary abutting public street.

c. Lighting: Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities of occupants' use. The manufactured home park grounds, street and pedestrian areas shall be lighted from sunset to sunrise in accordance with a lighting plan approved by the Community Development Department.

d. Recreation Areas: All manufactured home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located so as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be a minimum of 10% of the land area of the manufactured home park. All equipment installed in such area shall be owned and maintained by the owner or operator of the manufactured home park at the owner or operator's expense.

e. Landscaping: All areas shall be landscaped in accordance with a landscaping plan approved by the Community Development Department. The following minimum landscaping requirements shall be maintained in all manufactured home parks:

   i. Each lot shall be properly landscaped with at least one tree and hedge. All yards shall be sodded or planted in grass. There shall be a minimum of 20 trees per gross acre in all areas of a manufactured home park. Trees, grass, and landscape materials shall be properly maintained and replaced, as necessary, to conform to the approved landscape plans and specifications.

   ii. A visual screen, consisting of a compact hedge, redwood fence, coniferous trees or other landscape or fencing materials approved by the Community Development Department shall be installed and maintained around the periphery of the manufactured home park to substantially inhibit eye level vision from the exterior and shall be kept free of rubbish, debris, and weeds.

f. Storm Shelter: A storm shelter structure capable of housing all of the occupants of the manufactured home park shall be constructed in a central location. Such structure shall be of an all masonry construction capable of withstanding 75-mile-perhour winds. Such structure may also house other common facilities such as vending machines, laundry equipment, and ancillary utilities. The design of such structure shall be approved by the Community Development Department.

g. Manufactured Home Stands: Each lot for a manufactured home shall have an area of reinforced concrete 4 inches in depth, of adequate size to accommodate each manufactured home unit. The stand shall not heave, shift, or settle unevenly under the weight of a manufactured home due to frost action, inadequate drainage, vibration, or other forces acting on the structure. Anchors or tie downs shall be cast in place at a maximum separation of 12 feet on center and be capable of sustaining a minimum pull of 4,800 pounds per anchor.

h. Skirting: All manufactured home units shall have skirts around the entire manufactured home made of plastic, fiberglass, or other comparable, noncombustible material approved by the Community Development Department and shall be of a permanent color or painted to match the skirted manufactured home so as to enhance the general appearance of the home.

i. Storage Building: A structure shall be provided on the premises to accommodate storable items of manufactured home occupants providing at least fifteen square feet of storage area per manufactured home unit in the manufactured home court. Such storage spaces shall be designed and maintained to provide secure storage for each manufactured home unit; the design shall be subject to approval of the Community Development Department.

23. Manufacturing and Processing, Outdoor Activities/Storage:

a. Areas of outdoor activity or storage shall not be located between the principal use and the primary public street.

b. Areas of outdoor activities or storage shall be screened by a solid opaque wall or fence at least 8 feet in height.

c. Aggregates and other granular materials shall be stored in such a way that prevents erosion.

d. The Planning Commission and the City Council shall give special consideration to the height of equipment and materials stored outside and its visibility from nearby properties and roadways.

24. Motor Fuel Sales, Motor Vehicle Repair, Body Shop:

a. Pump Islands and Canopies: The centerline of pump islands (or the outer edge of a pump island canopy, if present) shall be a minimum of 25 feet from a property line.

b. Driveways: Driveways shall be located a minimum of 50 feet from the street right-of-way lines of the nearest intersection.

c. Outdoor Display Sales Area: All outdoor display sales areas shall be limited to 250 square feet, shall not be located in pump area, and shall require an Outdoor Display Sales Permit and site plan to be approved by the Community Development Department.

25. Motor Vehicle Rental/Leasing: In commercial and mixed-use districts, motor vehicle rental and leasing businesses may be allowed as tenants in office and office service buildings, meeting the following requirements:

a. Storage of vehicles on the premises shall be purely an accessory use, and shall not function as display or advertising, and shall not be allowed to alter the appearance and character of the property.

b. If located in an office building, rental or leasing shall be limited to small vehicles and the parking spaces, signage, and other visible evidence of the rental or leasing business shall be compatible with the office setting.

i. Small Vehicles: For rental and leasing businesses, a small vehicle is defined as a motor vehicle intended primarily for passenger use and no taller than 7 feet in height and no longer than 20 feet in length.

ii. Parking Spaces: One on-site parking space shall be required for each rental vehicle in addition to the number of parking spaces required in Chapter 1019 of this Code for employees of the rental or leasing business and for other uses on the site or in the same building.

iii. Maintenance and Cleaning: All maintenance and cleaning of vehicles, all equipment for maintenance and cleaning of vehicles, and all trailers or other equipment or devices used for transporting vehicles shall be completely within the principal building or completely screened from eye level of adjacent public streets, residential areas, and from other tenant spaces if the use is in a multi-tenant building.

iv. Storage of Vehicles: Storage of vehicles shall not interfere with the safe and efficient access and circulation of vehicles and pedestrians on site.

26. Motor Vehicle Dealer: The sale of new motor vehicles shall be permitted only by a licensed motor vehicle dealer with a new vehicle franchise. The sale of used motor vehicles by a licensed motor vehicle dealer is permitted, but shall only occur in conjunction with on-site new vehicle franchises and the sales of new motor vehicles.

27. Multi-family, Dwellings with 8 or more Units per Building: There are no specific standards for this use.

28. Nursing Home/Assisted Living Facility: (Ord. 1405, 2-28-2011)

    a. The yard requirements for multi-family use in the district apply.

    b. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

    c. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.

    d. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

29. Off -site Parking:

    a. Paved pedestrian access shall be provided and maintained between the off-site parking facility and the principle structure.

    b. The off-site parking facility shall be located no further than 300 feet from a residential structure and no further than 500 feet from a non-residential structure. Shuttle service may be provided as an alternative means of access for non- residential uses.

    c. Off-site parking facilities shall be protected by a covenant running with the land and recorded with the County in a form approved by the City Attorney. Such a covenant shall not be revoked without consent of the City. A recorded document shall be provided to the Community Development Department prior to the use of the off -site parking area.

30. One-family Attached Dwelling (townhome, rowhouse): There are no specific standards for this use.

31. Outdoor storage: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. Areas of outdoor storage shall not obstruct required drive aisles or parking stalls. Due consideration shall be given to the aesthetic impacts of the nature of outdoor storage and necessary screening on the surrounding properties.

a. Equipment and goods: Greater setbacks shall be considered for pressurized canisters or potentially explosive goods. Equipment and goods shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Equipment available for rent may be displayed without screening in an area not exceeding 10% of the screened outdoor storage area.

b. Inoperable/out of service vehicles or equipment: All vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque.

c. Loose materials: All materials shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Special attention shall be given to the need to control erosion and prevent pollution. Small amounts of materials stored outdoors and available for sale may be displayed in an area without screening.

32. Park and Ride Facility: There are no specific standards for this use.

33. Pawn Shop: There are no specific standards for this use.

34. Place of Assembly: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

35. Renewable Energy Systems: There are no specific standards for this use.

36. Transit Center: There are no specific standards for this use. (Ord.1418, 10-10-2011) (Ordinance 1427, 7-9-2012)

37. Fleet vehicles: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or "retired" vehicles) shall adhere to the requirements for outdoor storage of inoperable/out-of-service vehicles or equipment. (Ord. 1544 2-12-2018)

38. Motor freight terminal

a. All outdoor semi-trailer storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor semi-trailer storage shall be allowed between a principal building and the primary public street as determined by City staff. Areas of outdoor semi-trailer storage shall not obstruct required drive aisles or parking stalls.

b. All trailer shall be parked/stored a minimum of 10 feet from a side- or rear-yard property line.

c. Semi-trailers stored adjacent to ~~Office/Business Park~~ Employment, Employment Center, or ~~Regional Business~~ Core Mixed Use zoned property shall provide a 10-foot buffer area complete with screen planting and an opaque wall or fence a minimum of 8 feet in height as approved by the Community Development Department.

d. The property owner/applicant shall submit a circulation plan that demonstrates that the outdoor semi-trailer storage use does not conflict with other operations on the site, customer parking, and pedestrian access through the site.

e. Outdoor storage of semi-trailers shall include a minimum of 80% of such trailers being licensed and operational. Those semi-trailers that are not licensed and/or operational shall be stored at the rear of the premises. (Ord. 1514 11-14-16)

39. Taproom

a. Where appropriate and applicable, an outdoor patio shall be permitted in a location which is the furthest away from any adjacent residential zone or use. In no instance shall an outdoor patio be located closer than 25 feet from a residentially zoned or used property.

b. Site screening (including outdoor patio areas), shall be required for all new or changes in use buildings/sites. Screening requirement shall be satisfied through the use of berms, solid board-on-board fences, walls, planting screens, evergreen trees, hedges, or some combination thereof. Any screen wall shall be constructed of permanent finished materials approved by the Community Development Department. Such screens shall be 100% opaque and at least 6 feet in height.

c. Hours of operation of an outdoor patio that lies adjacent to a residentially zoned or used property shall be limited to no later than 9 pm weekdays and 10 pm weekends. (Ord. 1566, 10-22-2018)

E. Validation: A conditional use approval shall be validated by the applicant through the commencement of the authorized use or of any necessary construction (subject to the permit requirements of Title 9 of this Code) in support of the conditional use within 1 year of the date of the approval. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the conditional use approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the conditional use approval.

F. Expiration: A conditional use approval shall automatically expire if:

1. The approval is not validated pursuant to Subsection E; or

2. A validated conditional use which has become nonconforming ceases operation for a continuous period of 1 year or longer.

G. Recording: A certified copy of a City Council resolution approving a conditional use shall be filed with the Ramsey County Recorder upon validation.

(Ord. 1457, 10-21-2013)

1009.03: INTERIM USES

A. Purpose: Certain land uses might not be consistent with the land uses designated in the Comprehensive Land Use Plan, and they might also fail to meet all of the zoning standards established for the district within which they are proposed; some such land uses may, however, be

acceptable or even beneficial if reviewed and provisionally approved for a limited period of time. The purpose of the interim use review process is to allow the approval of interim uses on a case-by-case basis; approved interim uses shall have a definite end date and may be subject to specific conditions considered reasonable and/or necessary for the protection of the public health, safety, and general welfare.

B. Open House Meeting: Prior to submitting an application for a proposed interim use, an applicant shall hold a community open house meeting as described in Section 1009.07 of this Title.

C. Applications: The owner of property on which an interim use is proposed shall file an application for approval of the interim use by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108. If a proposed interim use is denied, an application for substantially the same interim use on the same property shall not be accepted within 1 year of the date of the denial.

D. General Standards and Criteria: When approving a proposed interim use, the Planning Commission and City Council shall make the following findings:

1. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
2. The proposed use will not create an excessive burden on parks, streets, and other public facilities; and
3. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

E. Expiration: An interim use approval shall expire and an approved interim use shall cease, at the earliest of:

1. 5 years from the date of the approval;
2. Upon the expiration date established in the approval; or
3. Upon reaching some other expiration threshold established as a condition of approval.

F. Renewals: If an approved interim use is to be continued beyond the date of its expiration or if an expired interim use is to be reinstated, an applicant shall follow the above process for seeking a new interim use approval. Notwithstanding this requirement, the City Council may approve extensions to the expiration of an approved interim use when:

1. The approved interim use has not yet commenced; and
2. The duration of the approved interim use is not to exceed 3 months.
3. To request an extension under these circumstances, applicants shall submit to the Community Development Department a written request including an explanation of the factor(s) which necessitate the extension. Within 30 days of receipt of such a request, the matter shall be brought to the City Council for action.

1009.04: VARIANCES:

A. Purpose: Each zoning classification indicates specific development standards such as setback and height restrictions. There are occasions, however, when the strict application of such standards may be inappropriate because of unique circumstances to the property. The variance procedure is authorized by MN Stat. 462.357, subd. 6 and is designed to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning. Unique circumstances may include factors such as the size, shape, topography, vegetation, wetlands, or other such characteristics of the land. Variances should not be granted to residential density standards or type of use. (Ord. 1413, 7-18-2011)

B. Applications: The owner of property on which a variance is proposed shall file an application for approval of the variance by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing according to the process set forth in Chapter 108 of this Code. If a proposed variance is denied, an application for substantially the same variance on the same property shall not be accepted within 1 year of the date of the denial. (Ord. 1413, 7-18-2011)

C. Approval: The City may impose conditions in the granting of variances. A condition must be directly related to, and must bear a rough proportionality to, the impact created by the variance. In order to approve a variance request, the Variance Board shall find based on the application submitted:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal is in harmony with the purposes and intent of the zoning ordinances;
3. The proposal puts the subject property to use in a reasonable manner;
4. There are unique circumstances to the property which were not created by the landowner; and
5. The variance, if granted, will not alter the essential character of the locality. (Ord. 1413, 7-18-2011)

D. Validation and Expiration: A variance approval shall be validated by the applicant through the commencement of any necessary construction (subject to the permit requirements of Title 9 of this Code) authorized by the variance within 1 year of the date of the approval. A variance approval shall automatically expire if the approval is not validated pursuant this section. Notwithstanding this time limitation, the Variance Board may approve extensions of the time allowed for validation of the variance approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the variance approval.

1009.05: CHANGES TO APPROVED PLANS:

A. Purpose: To provide flexibility in responding to development constraints which were unanticipated during the review of proposals requiring development approval (e.g., conditional use, variance, etc.) by allowing administrative approval of minor changes to the approved location, size, and/or type of site improvements.

B. Minor Changes: The Community Development Department may approve such minor changes upon review by the Development Review Committee to ensure that the proposed changes neither cause any aspect of the project to fail to comply with applicable Code requirements nor materially change any important representations made to the City and surrounding residents during the original review and approval process.

C. Major Changes: If the Development Review Committee determines that a proposed change cannot be considered as a minor change, such change may be considered either as an amendment to the original plan or as a new proposal; in either case, the applicant shall follow the process established in this Title for seeking a new approval of the appropriate type.

1009.06: ZONING CHANGES

A. Amendment: An Amendment to a Zoning Ordinance or map ("Official Zoning Map") may be initiated by the governing body (City Council), the planning agency (including the Community Development Department), a property owner, or by petition of affected property owners as defined in the City's Zoning Ordinance. The purpose of the zoning change review process is to consider such changes for approval where they would be consistent with the guidance and intent of the Comprehensive Plan and would not be injurious to the public health, safety, and general welfare.

B. Open House Meeting: Prior to submitting an application for a proposed zoning map change, an applicant shall hold a community open house meeting as described in Section 1009.07 of this Title.

C. Applications: The owner of property on which a zoning change is proposed shall file an application for approval of the zoning change by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108. If a proposed zoning change is denied, an application for substantially the same zoning change on the same property shall not be accepted within 1 year of the date of the denial.

D. Petitions: A petition containing the signatures of at least 50% of the property owners within the public hearing notification area for a particular piece of property may be submitted as an application for approval of a zoning change when none of the petitioners is the owner of said property.

E. Such an application-by-petition, along with a letter detailing the reasons for the requested zoning change, and the fee set forth in Chapter 314 of this Code, shall be submitted to the Community Development Department and shall be reviewed according the same process as established in Subsection C above, including a petitioner-sponsored open house meeting for a proposed zoning map change as required in Subsection B above.

1009.07: DEVELOPER OPEN HOUSE MEETINGS

A. Purpose: Certain proposals or applications for development may constitute significant departures from the present or historical use and/or zoning of a property. Prior to submitting an application for a Comprehensive Plan Map Change, a Zoning Map Change, an Interim Use, a Subdivision Plat, or a Planned Unit Development an applicant shall hold an open house meeting with property owners and renters in the vicinity of the potential development location in order to provide a convenient forum for

engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.

B. Applicant Responsibility: The applicant shall be responsible for the following items:

1. Completed Open House Form (application)
2. Payment of fee and escrow
3. Provision of applicable information regarding the project/request
4. Provision of the open house location, date, and time
5. Required submittal of open house summary upon conclusion of meeting

C. General: Applicant shall refer to the Open House Meeting Policy that is a component of the Open House Form (application) or contact the Community Development Department for additional information regarding the process.

D. No later than the date of submission of the application the applicant/developer shall be responsible for mailing a copy of the meeting summary ot all attendees who provided their names and addresses on the sign-in sheet.

1009.08: APPEALS

A. An appeal pertaining to a decision of the Variance Board or an administrative ruling of the Community Development Department regarding any interpretation of the intent of this Title, or any administrative action approving or denying an application or request related to any matter addressed in this Title may be filed by any property owner or their agent.

1. The appeal shall be submitted to the City Manager within 10 calendar days after the making of the order or decision being appealed.
2. The appeal shall state the specific grounds upon which the appeal is made.
3. The appeal shall be accompanied by the fee set forth in Chapter 314 of this Code.

B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within 30 days of the receipt of the appeal. The Board of Adjustments and Appeals will reconsider only the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appeals applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion, if that information serves to clarify information previously considered by the Variance Board and/or staff.

1. Variance Appeals: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s), members of the Variance Board, and to all of those property owners within the public hearing notification area established in Chapter 108 of the City Code, as well as the owner of the subject property.
2. Administrative Deviation Appeals: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s) and all of those property owners who

received notice of the original administrative deviation hearing, as well as the owner of the subject property.

3. Appeals of Administrative Decisions: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s) as well as the owner of the subject property.

(Ord. 1403, 12-13-2010)

CHAPTER 1010 SIGN REGULATIONS

SECTON:

1010.01: Purpose and Findings
1010.02: Definitions
1010.03: General Provisions
1010.04: Maintenance, Removal of Signs, Fines
1010.05: On-Premise Signs
1010.06: Sign Area Computation
1010.07: Temporary Signs
1010.08: Real Estate Signs
1010.09: Other Signs
1010.10: Dynamic Displays
1010.11: Master Sign Plans

1010.01: PURPOSE AND FINDINGS:

A. Purpose: The sign ordinance is intended to establish 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, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the City's goals by authorizing:

1. Permanent signs that establish a high standard of aesthetics;
2. Signs that are compatible with their surroundings;
3. Signs that are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
4. Signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
5. Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
6. Permanent signs that give preference to the on-premise owner or occupant; and
7. Temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.

B. Findings: The City of Roseville finds it is necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. Further, the City finds that:

1. Permanent and temporary signs have a direct impact on and relationship to the image of the community;
2. The manner of installation, location, and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;
3. An opportunity for viable identification of community businesses and institutions must be established;
4. The safety of motorists, cyclists, pedestrians, and other users of public streets and property is affected by the number, size, location, and appearance of signs that divert the attention of drivers;
5. Installation of signs suspended from, projecting over, or placed on the tops of buildings, walks, or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
6. Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
7. Uncontrolled and unlimited signs, particularly temporary signs that are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
8. Commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
9. The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location, and number.

1010.02: DEFINITIONS

A. Definitions: As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this section:

1. SIGN: Any writing, pictorial presentation, number, illustration or decoration, flag, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include the terms “building” or “landscaping,” or any architectural embellishment of a building not intended to communicate information.
2. AREA IDENTIFICATION SIGN: A freestanding sign which identifies the name of, including but not limited to, a residential development, a multiple residential complex, a shopping center or shopping area, a business park, an industrial park, a building complex, or any combination thereof.
3. BALLON: A flexible, nonporous bag inflated with air or a gas lighter than air, such as helium.

4. BUILDING CANOPY OR AWNING: A sign constructed of flexible translucent or fabric-type material that incorporates a written message or logo on the exterior. Building canopies shall be considered part of the wall area and thus shall not warrant additional sign area.

5. BUILDING COMPLEX: A group of two or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings or uses are located on the same lot or parcel.

6. COMMERCIAL SIGN: Any sign that advertises or identifies a product, business, service, event, or any other matter of a commercial nature, and that seek~~s~~ to draw attention to or promote a commercial, business, or economic interest or activity in contrast to noncommercial signs that expresses an opinion or viewpoint of a social or political nature.

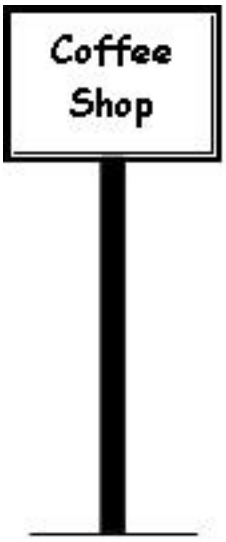
7. CONSTRUCTION SIGN: Any non-illuminated sign that displays information regarding the construction or development of the site on which it is displayed.

8. DIRECTIONAL SIGN: A sign which contains no advertising and is intended to facilitate the safe movement of pedestrians and vehicles into, out of, and around the site on which the sign is located.

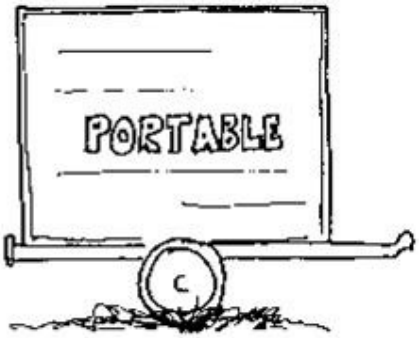
9. DYNAMIC DISPLAY: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink," or any other method or technology that allows the sign face to present a series of images or displays.

10. FLAG: A piece of cloth or bunting varying in color and design, attached to a pole, used as a symbol, standard, emblem or insignia, or containing text other than that associated with a commercial, business, or economic interest or activity.

11. FREESTANDING SIGN: Any sign not affixed to a building including but not limited to a ground sign, pole sign, pylon sign, or monument sign.



12. GROUND SIGN: A sign mounted on the ground attached either to footings or a base with an open space between the ground and the sign face.
13. HEIGHT OF FREESTANDING SIGN: The actual distance from the grade to the highest point of the sign, including any structure or architectural component of the sign.
14. HOME OCCUPATION SIGN: A sign located at a residence advertising a business conducted in the residence or by persons residing in the residence.
15. ILLUMINATION, INTERNAL: A light source within the sign.
16. ILLUMINATION, EXTERNAL: A light source that is not internal to the sign.
17. ILLUMINATED SIGN: A sign on or from which artificial light is directed.
18. LOGO: An identifying graphic that may or may not be a registered trademark.
19. MASTER SIGN PLAN: Written document describing all proposed signs regarding a specific site, development, or complex, submitted by the owner/manager, including all types of signs/signage desired, reviewed, and approved by the City, and shall at a minimum include sign type, location, and size illustrations.
20. MOBILE SIGN (also referred to as Portable Sign): A sign designed or intended to be moved or transported by trailer or on wheels. A sign may be a mobile sign even if it has wheels removed, was designed without wheels, or is attached temporarily to the ground, a structure, or other sign. Signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business.



21. MONUMENT SIGN: A freestanding sign located directly at grade.

22. NAMEPLATE SIGN: A wall sign that states only the name or address or both of the business or occupant of the lot where such sign is placed. Letters and/or numbers must be at least 4 inches in height, and the maximum sign area shall not exceed 4 square feet.

23. NON-COMMERCIAL SIGN: Communicative devices that express an opinion or viewpoint of a social or political nature in contrast to commercial signs that seek to draw attention to or promote a commercial, business, or economic interest or activity.

24. NON-CONFORMING SIGN: A sign that lawfully existed prior to June 18, 2012, but does not conform to this chapter.

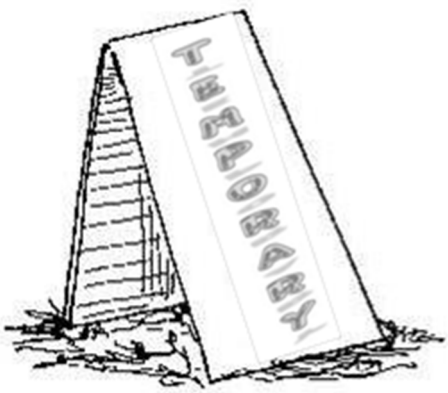
25. OFF-SITE SIGN: A sign that advertises any business, product, person, event, or service conducted, sold, manufactured, or located off the premises where the sign is located.

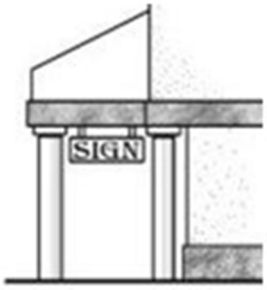
26. PAINTED SIGN: A sign painted directly on the outside wall or roof of a building or on a fence, rock, or similar structure or feature in any zoning district.

27. PENNANTS (also referred to as streamer): Pieces of cloth, paper, or plastic that do not include any written or graphical, or other form of copy and are intended to be individually supported or attached to each other by means of rope, string or other material, and are intended to be hung on buildings or other structures or between poles.

28. PERMANENT SIGN: Any sign that is displayed or intended for display for an indefinite period of time.
29. POLE SIGN: A sign that is mounted at or near the top of a single or multiple poles.
30. POLITICAL SIGN: A sign announcing candidates seeking political office or issues to be voted upon at a political election.
31. PORTABLE SIGN: See Mobile Sign.
32. PROJECTING SIGN: A wall sign that protrudes horizontally more than 1 foot from the wall to which it is attached.

33. PYLON SIGN: A freestanding sign supported by its own structure and not attached to any building.
34. READERBOARD SIGN: A sign where the message is changeable with letters or numbers.
35. REAL ESTATE SIGN: Any sign pertaining to the sale, lease, or rental of land or buildings.
36. SEARCHLIGHT: A powerful light or lights equipped with a reflector to produce a bright beam or beams.
37. SPECIAL EVENT DEVICE: Any sign, searchlight, laser display, or other attention-getting device used in conjunction with a special event.
38. TEMPORARY SIGN: A sign that is designed or intended to be displayed for a short period of time and is not permanently installed. This includes A or T - frame signs, sandwich, curb signs, and balloons.



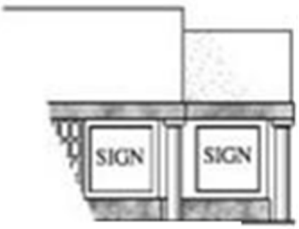


39. UNDER CANOPY SIGN: Any sign hanging below a building canopy, awning, or building overhang.

40. UNIFIED DEVELOPMENT: A development of three or more principal structures with common characteristics as determined by the City. Common characteristics may include shared access, similar architecture, single ownership, or history of site plan review approval.

41. WALL SIGN: A sign constructed on a panel attached to a structure or raised letters or symbols attached to a wall or combination thereof. No part of such a sign is painted on the wall surface.

42. WINDOW SIGN: Any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.



43. WINDSOCK A large roughly conical device open at both ends and attached to a stand by a pivot so that the wind blows through it, not including devices used for navigational purposes.

1010.03: GENERAL PROVISIONS

A. Permit Required: The following general provisions are applicable to all signs. It shall be unlawful for any person to erect, alter, replace, or relocate any sign or other advertising structure without first obtaining a permit and paying the required fees, except as herein otherwise provided, including those approved through the Master Sign Plan process.

B. Exempted Signs: The following signs are exempt from the requirements of this Chapter:

1. Signs erected by a public agency in and/or above or overhanging a public right- of-way.
2. The following signs are permitted in residential districts for non-commercial purposes only: banners, balloons, pennants, spinners, windsocks, streamers, ribbons, whirling devices, or light bulb strands.

C. Prohibited Signs.

1. No sign will be attached to trees or utility poles.
2. No sign will be painted directly on any exterior building surface. Sign letters and symbols may be attached directly to a wall by adhesive or mechanical means.
3. No sign will overhang the public right-of-way, sidewalk easement, walkway easement or bicycle path easement except a bus bench or approved trash container at a designated public transportation pick-up location.
4. No sign will extend above the roof line of a building (roof sign).
5. Projecting signs must not project further than 30 inches from the wall to which they are anchored.
6. No sign will be installed that by reason of position, movement, shape, illumination, or color would constitute a traffic hazard by obstructing a driver's vision or by interfering, confusing, or misleading traffic.
7. No sign will noticeably move either by mechanical means (rotating sign) or as a result of normal wind pressure.
8. The following specific signs shall be prohibited: off-site, flashing, mobile/portable, roof, rotating, and painted signs, banners, and billboards.
9. All other signs not expressly permitted by this Chapter.

D. Non-Conforming Signs: All nonconforming signs in existence on June 18, 2012, may continue subject to the provisions of Chapter 1011 of this Title and State Law.

E. Sign Permit Process:

1. Permit Application: An application for a sign permit shall be made on the application provided by, or located in the Community Development Department, and state or have attached thereto the name and address of the applicant or person or company that will be erecting the sign; the address/location of the building, structure, or lot on which the sign is to be erected; the written consent of the property owner of the land on which the sign is to be erected; and any other pertinent information the Community Development Department considers necessary. These requirements may be waived by the City Planner where they are not applicable.

2. Permit Review: All sign permits will be reviewed by the Community Development Department to determine completeness. Should a permit be deficient in appropriate/applicable items necessary to process the sign permit, an email and/or letter will be composed to the applicant indicating the deficiencies of the permit. No permit will be acted upon until all requested/required information is submitted/received and/or reviewed.

3. Fees: Every applicant must pay a fee for each sign regulated by this Chapter before being granted a permit.

    a. The City Council will establish the permit fee by resolution.

    b. A double fee will be charged if a sign is erected without first obtaining a permit for such sign.

4. Revocation of Permit: The Community Development Department is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter. Any party aggrieved by such revocation may appeal the action to the Board of Adjustment and Appeals within 10 days after the revocation.

5. Expiration of Permit: A permit expires if the sign is not erected within 180 days after issuance and no permit fees or inspection fees for such sign will be refunded.

6. Inspection: Sign installations for which a permit is required may be subject to inspection by the Community Development Department to ensure that such signs are erected according to the approved permit.

1010.04: MAINTENANCE, REMOVAL OF SIGNS, FINES

A. All signs must be maintained by the sign owner in a safe, neat, clean, and attractive condition. A sign must be replaced or refurbished so as to restore the original appearance thereof whenever it begins to fade, chip or discolor, rust, cease to be in good repair, or become unsightly.

B. Removal of signs will be governed by the following:

1. On-premises signs shall be removed from the building and property by the owner of such property within 14 days after the use is terminated.

2. Off-premises signs shall be removed within 30 days after discontinuation of use of the sign. A sign shall be considered discontinued if the message is removed, the subject of the message no longer exists, or the sign is not maintained.

C. If the Community Development Department finds that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this Chapter, the sign shall be deemed a public nuisance and abated under Chapter 407.06 of the City Code.

D. Removal of Abandoned Signs, Signs in Disrepair, and Signs Located in Public Right-of-Way.

1. Abandoned signs and signs in disrepair: An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 10 business days after notification. If compliance with this provision is not met, the matter will be abated through the requirements of Chapter 407 of the City Code.

2. Signs on public property or within public right-of-way: The city may at any time and without notice impound signs that have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:

   a. A fee must be paid to the City as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;

   b. The sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and

   c. The city may not be held liable for any damage to impounded signs.

E. Fines for Sign without Permit, Illegal /Prohibited Sign, and Perpetual Violation of Code:

1. All signs, including temporary signs, shall have an approved permit prior to installation. Signs installed in any fashion without a permit shall receive a notice to remove within 5 business days of the receipt of a letter from Community Development Department. Should the sign not be removed within the 5 business days, the Community Development Department will issue a fine of $50.00 and another 5 business days to remove. Should the sign remain a fine of $100 will be issued and an immediate request sought. Should the sign not be removed and/or the fine fee not paid, the Community Development Department will thereafter seek compliance through the public nuisance chapter 407 of the City Code. The same fines and process shall be applied to situations where illegal/prohibited signs are installed with or without an approved permit.

2. Those property owners and/or business that have signs deemed a perpetual violation shall be deemed a public nuisance and abated through Chapter 407 of the City Code. For purposes of this Code requirement perpetual violation shall refer to 5 violations in a calendar year.

F. Appeal: Should the property owner, business owner, tenant, renter, and/or proprietor object to the Community Development Director or Designee decision regarding the perpetual violation ruling, an appeal may be filed within 10 days following the receipt of a letter indicating the perpetual violation by the Community Development Director or Designee. The appeal shall follow the requirements listed in Section 1009.08 of this Code.

1010.05: ON-PREMISE SIGNS

A. On-Premise Sign: All wall and/or freestanding signs in all districts shall be subject to the following requirements. Signs shall not be permitted within the public right-of- way or easements except on benches and shelters that have received permits as per Section 703.05 of this Code, and newspaper and cabstands, all of which shall be as governed by Chapter 901 and Section 703 of this Code. City, county, state, and federal traffic directional signs are permitted.

SIGNS ALLOWED IN RESIDENTIAL DISTRICTS LDR~~-1~~ and ~~LDR-2~~ LMDR Districts

Type	Maximum Number Allowed	Maxim um Sign Area Allowed	Placement, Location & Height	Restrictions
Home Occupation	1	6 sq. ft.	On a wall or in front yard w/10 foot minimum setback and 4	Non-illuminated
			foot maximum height	
Nameplate	1	4 sq. ft.	On wall or in front yard w/10 foot minimum setback and 4 foot maximum height	Internally illuminated

MDR~~, HDR-1~~, and HDR~~-2~~ Districts

Type	Maximum Number Allowed	Maximum Sign Area Allowed	Placement, Location & Height	Restrictions
Complex "project" Signage	1 per complex or residential development	50 sq. ft.	15 foot minimum from a property line. 6 foot maximum height.	Can be located on building front or be freestanding.
Nameplate	1 for each dwelling group	24 sq. ft.	On wall or in front yard w/10 foot minimum setback and 4 foot maximum height	Internally Illuminated

SIGNS ALLOWED IN ~~COMMERCIAL and~~ MIXED USE DISTRICTS, EMPLOYMENT DISTRICTS, and INSTITUTIONAL DISTRICTS

~~NB~~ MU-1, I, and INST Districts

Type	Maximum Number Allowed	Maximum Sign Area Allowed	Placement, Location & Height	Restrictions
Wall Sign	Multiple	1 sq. ft. per lineal foot of tenant space or building front (main public entry as per determination by Community Development Department).	Installed on exterior building wall or facade	Sign area for all sides of building (including fuel canopy) is capped at the Maximum Sign Area Allowed (column 3).
Freestanding Fuel Canopy Signs	Multiple	½ sq. ft. per lineal foot of freestanding fuel canopy front (as per determination by Community Development Department)	Installed on exterior of freestanding fuel canopy	Sign area for canopy is capped at the Maximum Size Allowed (column 3)
Freestanding Signs	1 on interior lot, 2 on	75 sq. ft. maximum for single sided sign	15 foot minimum from	
	through lot or multiple frontage lot; or as approved w/master sign plan.	or 150 sq. ft. maximum on a double sided sign.	a property line. 20 foot maximum height	

~~CB, RB, O/BP, and CMU~~MU-2A & B, MU-3, MU-4, E-1 and E-2 Districts

Type	Maximum Number Allowed	Maximum Sign Area Allowed	Placement Location	Restrictions
Wall Sign	Multiple	1.5 sq. ft. per lineal foot of tenant space or building front (main public entry as per	Installed on exterior building wall or facade	Sign area for all sides of building (including fuel canopy) is capped

Type	Maximum Number Allowed	Maximum Sign Area Allowed	Placement Location	Restrictions
		determination by Community Development Department).		at the Maximum Size Allowed (column 3).
Freestanding Fuel Canopy Signs	Multiple	½ sq. ft per lineal foot of freestanding fuel canopy front (as per determination by Community Development Department.)	Installed on exterior of freestanding fuel canopy	Sign area for canopy is capped at the Maximum Size Allowed (column 3)
Freestanding Signs	1 on interior lot, 2 on through lot or multiple frontage lot; or as approved w/master sign plan.	100 sq. ft. maximum on a single sided sign or 200 sq. ft. maximum on a double sided sign.	15 foot minimum from a property line. 25 foot maximum height	

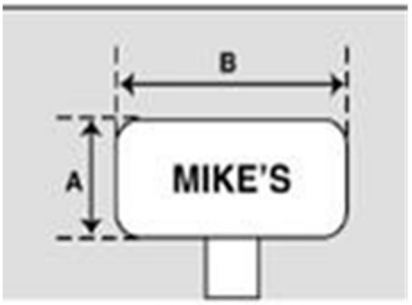
B. Directional Signs: Directional signs may be incorporated into a development including information such as traffic directions, house numbers, management office location, or other information necessary to direct persons to facilities or areas within the development.

1. Directional signs shall not exceed 8 square feet in size and 8 feet in height and are not closer than 1 foot from a public street right-of-way, unless approved as a component of a Master Sign Plan.
2. Off-site directional signs are prohibited.
3. Where applicable, directional signs are required to be incorporated into an approved Master Sign Plan.

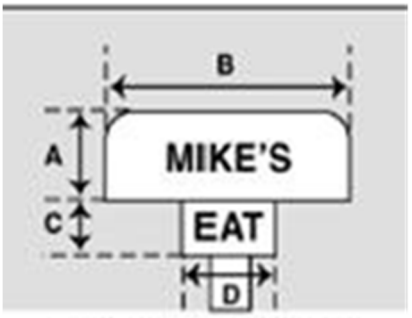
(Ord. 1434, Tables - 03/25/13)

1010.06: SIGN AREA COMPUTATION

A. Computation of Sign Surface Area of Individual Cabinet or Panel Sign: To compute the area for a cabinet or panel sign face, compute by means of the smallest square, rectangle, circle, triangle, or combination thereof that will encompass the extreme limit of the copy, representation, logo, emblem, or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop or structure against which it is attached or affixed, but not including any support framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the pertinent zoning regulations and is clearly incidental to the display itself.



Area = A X B



Area = (A X B) + (C X D)

B. Computation of Sign Surface Area of Individual Signs Mounted Letters or Symbols: When a sign is composed of individual mounted letters or symbols, the sign surface area shall be determined by means of the total or the smallest contiguous square, rectangle, circle, triangle, or combination thereof that will encompass each letter, representation, logo, emblem, or other display.

C. Computation of Sign Surface Area of Awning or Canopy: To compute the area of an awning or canopy sign, compute by means of the smallest square, rectangle, circle, triangle or combination thereof that will encompass the extreme limits of the copy, representation, logo, emblem or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop.

1010.07: TEMPORARY AND ANNUAL SIGNS

A. The Community Development Department may issue a Temporary Sign Permit or an Annual Sign Permit for temporary and/or semi-permanent signs in commercial, employment, and institutional districts, subject to the following requirements:

1. Temporary and Annual signs shall be comprised/constructed of durable all- weather materials (such as but not limited to plywood, coreaplast [plastic foam- core] alumacore, and polycarbonate [Lexan]) mounted to the building wall or they may be freestanding.
2. Type: Temporary and/or annual signs shall be A or T-frame, sandwich, fabricated and/or a manufactured sign on stands or posts, or a type/style approved by the Community Development Department.
3. Size: The surface area of any temporary sign shall not exceed 32 square feet. This area shall be in addition to permanent, window, or other signage allowed elsewhere in this Chapter.
4. Duration: During any calendar year temporary signs, such as grand opening signs, special event signs, and other similar signs may be in place no more than 60 days, which duration may be broken into multiple events/days not exceeding a total of 60 days per calendar year. Annual signs shall be allowed for a full calendar year and may be renewed annually with an approved permit.
5. Number: A use shall be limited to two temporary signs, and/or a single annual sign, and the City reserves the right to limit/regulate, through the Temporary Sign Permit, the number of temporary signs on multi-tenant, malls, and/or unified development sites.
6. Location: Freestanding temporary signs shall be located on private property and outside the public right-of-way.
7. Penalty: All temporary and/or annual signs that do not have a permit, and/or not in compliance with the requirements listed above, and/or have violated their approval (permit), shall be subject to a $50 fine and prescribed in Section 1010.04E .
8. Temporary Sign Permits may be issued for one or more events on a single permit as long as each events date/duration is specific on the permit.

B. Other approved attention getting devices:

1. The Community Development Department may issue a Temporary Attention Getting Device Permit for attention getting devices such as searchlights, balloons, pennants/streamers, or inflatables (or others as approved by the Community Development Department).
2. Balloons shall not exceed 2 feet in diameter, be limited to an inflatable height of 20 feet, be limited to a grouping of no more than 5, and not be permitted more than 15 days or 5 events (whichever is less) per calendar year.
3. Inflatables shall be limited to 24 square feet in size, a maximum height of 6 feet, be ground mounted, and not be permitted more than 15 days or 5 events (whichever is less) per calendar year.
4. Searchlights must not be directed into residential areas or onto streets and are not to be permitted more than six days per calendar year, and a site/property is limited to one searchlight unit per event.

1010.08: REAL ESTATE SIGNS

A. The Community Development Department may issue a sign permit for the sale, rental, and/or leasing of a property in the medium and high density residential, commercial, employment, and institutional districts as listed below:

B. Within low, medium, and high density residential zoning districts, temporary real estate signs shall comply with the following requirements:

1. 6 square foot maximum area
2. 6 foot maximum height
3. One sign per property
4. Shall be removed within 7 days after execution of rental or lease agreement or the closing of a sale.

C. Within commercial, employment, and institutional zoning districts, temporary real estate signs shall comply with the following requirements:

1. Multi-tenant buildings and unified developments where new signage is requested, said real estate/leasing sign shall be made part of the required Master Sign Plan as require in Section 1010.11 of this chapter.
2. Single tenant buildings shall be allowed a real estate sign not exceeding 32 square feet mounted on the building wall or incorporated into an existing freestanding sign. If it is determined by the Community Development Department that either a wall sign or incorporation into existing freestanding sign is not conducive, the site will be allowed one freestanding real estate not exceeding 32 square feet, limited to 8 feet in height, and setback a minimum of 15 feet from a property line.
3. In situations where the selling, renting, and/or leasing sign is desired on vacant land/property, a freestanding sign not exceeding 32 square feet, limited to 8 feet in height, and setback a minimum of 15 feet from a property line (or as approved by the Community Development Department) shall be allowed.
4. Unless explicitly stated, the number of real estate signs shall be limited to one sign per lot, except multi-fronted or through lots, which may be permitted an additional sign on the second street frontage, or as approved by the Community Development Department.

D. Leasing signs shall be removed within 7 days after execution of rental or lease agreement or the closing of a sale.

1010.09: OTHER SIGNS

A. No permit or permit fee shall be required for the following types of temporary signs, however, all other provisions of this Chapter shall apply.

1. Nameplate Signs
2. Construction Signs: Construction signs shall be confined to the site of construction, alteration, or repair and shall be constructed of high-quality material maintained in good repair. No more than

one sign is permitted on each street frontage the project abuts. The sign shall be removed within 180 days of the date of the issuance of a building permit for the work. A conditional use permit is required for a contractor sign to remain in place longer than allowed by this subsection. Construction signs are allowed in zoning districts in accordance with the following criteria:

ZONING DISTRICT	SIZE	HEIGHT	PLACEMENT/SETBACK
LDR~~1~~ & ~~LDR2~~LMDR	16 sq. ft.	8 foot maximum	5 feet from property line/zero if attached to security fence
All other Districts	32 sq. ft. per street frontage	12 foot maximum	5 feet from property line/zero if attached to security fence

3. Flags
4. Garage/Yard Sale Signs: The sign shall only be displayed during the term of the sale and must be removed when the sale is completed.
5. Holiday signs may be displayed over a period not to exceed a total of 60 days per calendar year. The aggregate total area of such signs shall not exceed 50 square feet.
6. Political signs to the extent that the following criteria are met:
   a. In years when a state general election is held, political signs may be posted 46 days before the primary election (Ord. 1500, 5-10-2016) until 10 days following the state general election. Any such signs must be removed by those responsible for their being posted.
   b. In years when no state general election is held, if there is a primary for any office, political signs for all offices may be posted no more than 21days before the primary election. When there is no primary for any office, such signs may be posted not more than 21 days before the general election. All such signs must be removed by those responsible for their being posted within five days following the general election. Said political signs shall not exceed 12 square feet gross area.
   c. Political signs shall be set back at least 15 feet from the outside edge of any street or back of curb of all City and county streets.
   d. Political signs shall not be placed so as to cause a hazard to public safety.
   e. Political signs shall not be placed on any property without permission of the property owner.
   f. Political signs shall not be located on any city owned property.
   g. Signs in violation of the above provisions may be removed by city staff and stored for two weeks. After two weeks, unclaimed signs will be disposed of by the city.
7. Real estate signs to the extent that the following criteria are met:

a. Low Density Residential ~~1 and 2 (LDR1 and LDR2)~~ (LDR) and Low to Medium Density Residential (LMDR) Property: For the purpose of selling, renting or leasing any LDR~~1~~ and ~~LDR2~~ LMDR property, a real estate sign not in excess of ten square feet in gross surface area in single and two-family districts may be placed within the front yard or in the public street right of way beyond the front yard. No part of the sign shall be closer than 6 feet from the curb. If there is a sidewalk, no part of the sign shall be closer than two feet from the edge of the sidewalk.

8. Security System Signs: Signs identifying the presence of a security or alarm system are allowed not to exceed two square feet.

9. Window Signs: Signs affixed to or painted on windows or placed within 36 inches of a window to be viewed from the exterior of the building shall not occupy more than 25% of the total window area, nor shall they be placed in a location that would block the view into the building from a public street of the clerk's or cashier's area. Under no circumstances shall the total area of window signage exceed ½ the allowable area of wall signage for the affected building.

10. Signs that are affixed to City-owned light poles or standards that contain information advertising the City itself or City events, provided the signs are located in non-residential areas, have been approved by the City Council and City Public Works Director or the Director's designee. (Ord. 1367, 5-12-2008)

1010.10: DYNAMIC DISPLAYS

A. Dynamic Display: Any sign using a dynamic display, in whole or in part, must meet the following operational standards:

1. Duration: In all districts, the full sign image or any portion thereof must have a minimum duration of 25 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

2. Transition: In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous repixalization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.

3. Brightness: The dynamic display sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

4. Dimmer Control: Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

5. Fluctuating or Flashing Illumination: No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams zooms, twinkles, sparkles, or in any manner that creates the illusion of movement.

6. Video Display: No portion of any dynamic display sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imager, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, or bands of light or expanding or contracting shapes.
7. Time and Temperature: A display of time, date, and temperature must remain for at least 60 seconds before changing to a different display. However, individually, the time, date, or temperature information may change no more often than once every 10 seconds.

1010.11: MASTER SIGN PLANS

A. Purpose: The purpose of a Master Sign Plan is to establish a fair and equitable process for complex signage situations that accommodate the need for a well- maintained, safe, and attractive community, and the need for effective communications including business identification.

B. Effect of Master Sign Plan: Upon approval of a Master Sign Plan, all future signs shall conform to the Master Sign Plan. Modifications to the provisions of the Master Sign Plan may be granted only with the approval of an amended Master Sign Plan.

C. Required: A Master Sign Plan is required for:

1. Building complexes
2. Multi-tenant structures
3. Covered mall buildings, shopping centers, or strip malls
4. Planned unit developments
5. Area identification signs
6. Churches/places of worship/institutions/schools
7. Unified Development

D. Guideline: Where applicable the underlying signage requirements of Section 1010.05 shall be used as the minimum base standard for signage in the proposed Master Sign Plan.

E. Criteria: To assist property owners and their tenants with signage needs, the City has established the following criteria that shall be used in developing, reviewing, and approving each Master Sign Plan.

1. Location: No freestanding sign shall be located closer than five feet to a property line, roadway easement, or other public easement. No freestanding sign shall be erected that, by reason of position, shape, or color, would interfere in any way with the proper functioning or purpose of a traffic sign or signal. No freestanding sign shall be located within the Traffic Visibility Triangle. No freestanding sign shall impede/impair traffic.
2. Quality: All signage shall improve the aesthetics or functional use of the site. All freestanding signs shall include materials that complement the architectural design/existing building materials, including but not limited to face brick, natural or cut stone, integrally colored concrete masonry units/rock faced block, glass, pre-finished metal stucco or similar cementation coating, and/or factory finished metal panels. Landscaping may be integrated into any freestanding sign.

3. Type: All types of signs are permitted except those prohibited by Section 1010.03C of this Chapter.
4. Size: The size of all signage (building wall and free standing) shall be limited to 2 times the maximum allowed under Section 1010.05 of this Chapter
5. Height: The height of any free standing sign shall be limited to 40 feet.
6. Number: The number of freestanding signs shall be reasonably related to the number of access points to public streets and/or the number of tenants within the multi-tenant structure.

F. Master Sign Plan Process: The following has been established by the City of Roseville for reviewing and approving Master Sign Plans:

1. Application Requirements: The property owner, his/her agent/manager, a design, architectural, or consulting firm, or a sign company, acting on behalf thereof, shall submit a completed Master Sign Plan Application to the Community Development Department. A completed application includes completion of the application form, submittal of all applicable proposed plans and specifications, and the submittal of the required fee as set-forth in Chapter 314 of this Code.
2. Submittal Review: Upon submittal of a Master Sign Plan application, the Community Development Department will review the information provided for completeness and determine whether modifications and/or clarification is necessary. Once an application has been determined complete, the Community Development Department will set the administrative hearing before the Master Sign Plan Committee (MSPC).
3. Establishment of Administrative Hearing and Notice: The Community Development Department will provide notice (postcard) to the applicant and contiguous/effected property owners not less than one week prior to a Master Sign Plan hearing. The Community Development Department may notify additional property owners if a determination is made that such additional notification is merited.
4. Hearing and Approval: The MSPC shall hold an administrative hearing for each Master Sign Plan proposal, take public comment, and provide a recommendation to the Community Development Director or Designee for approval. The Community Development Director or Designee shall make the final decision and provide written approval of a Master Sign Plan to the applicant.

G. Appeal: Should the applicant or a contiguous property owner object to the Community Development Director or Designee decision on the Master Sign Plan, an appeal may be filed within 10 days following the administrative decision by the Community Development Director or Designee. The appeal shall follow the requirements listed in Section 1009.08 of this Code.

(Ord. No. 1425, 6-18-2012)

CHAPTER 1011 PROPERTY PERFORMANCE STANDARDS

SECTION:

1011.01: Statement of Purpose and Applicability
1011.02: Environmental Regulations in All Districts
1011.03: Landscaping and Screening in All Districts
1011.04: Tree Preservation and Restoration in All Districts
1011.05: Lot Controls in All Districts
1011.06: Visibility Triangles in All Districts
1011.07: Height Exemptions in All Districts
1011.08: Fences in All Districts
1011.09: Essential Services in All Districts
1011.10: Solar Energy Systems in All Districts
1011.11: Additional Standards in All Non-LDR or LMDR Districts
1011.12: Additional Standards for Specific Uses in All Districts

1011.01: STATEMENT OF PURPOSE AND APPLICABILITY

A. This Chapter establishes requirements pertaining to:
   1. Environmental regulations in all districts
   2. Landscaping and screening in all districts
   3. Tree preservation and restoration in all districts
   4. Lot controls in all districts
   5. Visibility triangles in all districts
   6. Height exemptions in all districts
   7. Fences in all districts
   8. Essential services in all districts
   9. Solar energy systems in all districts
   10. Additional standards in all non-LDR or LMDR districts
   11. Additional standards for specific uses in all districts

B. The purpose of this Chapter is to establish regulations of general applicability to property throughout the City, to establish regulations for certain specific uses that are allowed in multiple districts, to promote the orderly development and use of land, minimize conflicts between uses of land, and protect the public health, safety, and welfare. The regulations set forth in this Chapter shall apply to all structures and uses of land, except as otherwise provided in this Title.

1011.02: ENVIRONMENTAL REGULATIONS IN ALL DISTRICTS:

A. Statement of Purpose: The purpose of this Section is to establish standards for activities within all zoning districts that have the potential to affect the natural environment or the livability of residential or employment areas.

B. Compliance: All uses must comply with the environmental standards established in this section unless any federal, state, county or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard will apply. All applicants for building permits in non-residential districts and/or non-residential uses shall demonstrate compliance with the performance standard set forth in this Section. An application for building permit shall not be deemed complete until a showing by the applicant that they meet the standards herein.

C. In General: All uses shall be conducted so as to prevent any nuisance, hazard or commonly recognized offensive conditions, including creation or emission of noise, smoke and particulate matter, toxic or nontoxic matter, odors, vibrations, glare or heat, and the use of explosives.

1. Noise: Any use established shall be so operated that no noise resulting from said operation which would constitute a nuisance is perceptible beyond the premises. This does not apply to incidental traffic, parking and off-street loading operations.

2. Smoke And Particulate Matter: The emission of smoke or particulate matter is prohibited where such emission is perceptible beyond the premises to the degree as to constitute a nuisance.

3. Toxic Or Noxious Matter: No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located, toxic or noxious matter of such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.

4. Odors: The emission of odorous matter in such quantities as to be readily detectable beyond the boundaries of the immediate site is prohibited.

5. Vibrations: Any use creating periodic earthshaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be prohibited if such vibrations are perceptible beyond the boundaries of the immediate site.

6. Glare or Heat: Any operation producing intense glare or heat shall be performed within a completely enclosed building.

7. Explosives: No activities involving the storage, utilization or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically licensed by the city council. Such materials shall include, but not be confined to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.

1011.03: LANDSCAPING AND SCREENING IN ALL DISTRICTS:

A. Landscaping Generally:

1. Purpose. The City recognizes the aesthetic, ecological, and economic value of landscaping in both the natural and built environments, and has established minimum landscaping and screening requirements applicable throughout the City to serve the following objectives:

   a. Protect the health, safety, and general welfare of the community;

   b. Deter crime through the use of good environmental design practices;

   c. Promote the reestablishment of vegetation in the community for aesthetic, health, and wildlife reasons;

   d. Improve ground water quality;

   e. Reduce storm water runoff;

   f. Promote compatibility between land uses by reducing the visual, noise, dust, and lighting impacts of specific development on users of the site and abutting uses;

   g. Aid in energy conservation by providing shade from the sun and shelter from the wind;

   h. Safeguard and enhance property values;

   i. Encourage a resourceful and prudent approach to urban development and break up expanses of paved areas and provide surface shade;

   j. Provide incentives for creative land use and good site design which preserves existing trees and maintenance of existing vegetation; and

   k. Provide an objective method for the replacement of trees.

2. Applicability: The Community Development Department may require additional landscaping or alter the placement of the landscaping as deemed appropriate.

3. Minimum Landscape Requirements:

   a. All open areas of a lot that are not used for buildings, parking or circulation areas, patios, or storage shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover materials, and other site design features to ensure soil stabilization. This shall not apply to undisturbed areas retained in a natural state.

   b. All landscaping and site improvements shall be completed within 1 year after the certificate of occupancy has been issued.

   c. An underground sprinkler system shall be installed in all landscaped areas except areas to be preserved in a natural state or where all proposed plant materials are drought-tolerant. Where drought-tolerant plant materials are used, irrigation shall be required only for the 2-year period following the installation and may be accomplished using hoses, water trucks, or other nonpermanent means.

d. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the subject site, to the immediate perimeter of the structure, parking areas, and along areas to be screened.

e. The following minimum number of plant materials shall be provided:

i. One and two-family dwellings constructed after January 1, 2011 shall plant 1 tree per lot in the boulevard. The boulevard tree shall be of a species identified in the City of Roseville Street Tree Master Plan for streets and boulevards and shall be planted according to City requirements.

ii. Multi-family residential dwellings shall require 1 canopy or evergreen tree per dwelling unit.

iii. Non-Residential uses shall require the greater of:

A. 1 canopy or evergreen tree per 1,000 square feet of gross building floor area; or

B. 1 canopy or evergreen tree per 50 lineal feet of site perimeter;

iv. Up to 25% of the required number of canopy or evergreen trees may be substituted with ornamental trees at a ratio of 2 ornamental trees to 1 canopy or evergreen tree.

v. Except for one- and two-family dwellings, shrubs shall be required at the greater of the following:

A. 6 shrubs per 1,000 square feet of gross building floor area; or

B. 6 shrubs per 50 lineal feet of site perimeter.

vi. In a mixed-use building or development, each use shall be calculated separately to determine minimum landscape requirements.

f. The City encourages the use of native plant materials that provide interest and color in the winter.

4. Plant Material Standards:

a. The complement of trees required shall be at least 25% deciduous and at least 25% coniferous. Not more than 30% of the required number of trees shall be composed of a single species.

b. Minimum Size of Plantings: Caliper inches to be measured 6 inches off the ground.

i. Canopy tree: 3-inch caliper

ii. Ornamental tree: 1.5-inch caliper iii. Evergreen tree: 6-foot height

iii. Deciduous or evergreen shrub: 5-gallon pot

5. Method of Installation:

a. The spacing of trees shall be appropriate to the type of plant species provided. Evergreen shrubs shall be planted in clusters in order to maximize survival.

b. Visibility triangles shall be maintained as required in Section 1011.06 by selecting and locating landscaping and design features that do not exceed the height limitation in visibility triangles.

c. All deciduous shrubs and spreading or globe evergreen shrubs shall be moved onto the site in pots. All other plant materials shall be balled and burlapped (B&B) or moved onto the site with a tree spade.

d. In calculating the required plant material under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number.

6. Alternative Landscape Options: The City encourages the use of special design features such as xeriscaping, raingardens/bioswales, rooftop gardens, native landscapes, integrated pedestrian facilities, and public art. To encourage the use of these special design features the city acknowledges a degree of flexibility may be necessary to adjust to unique situations. This subsection provides such flexibility and presents alternative ways to meet the standards set for in this section. The alternatives provided below are discretionary and are subject to approval of the Community Development Department, unless the development application requires approval by the City Council, in which case the City Council shall approve the alternative landscape plan. Landscape requirements may be modified if the proposal meets any of the following:

a. It is of exceptional design that includes amenities such as public art, public seating, an outdoor plaza, green rooftop, recreational benefit, and/or transit shelter.

b. It is deemed equivalent to the minimum requirements of this Section and complies with the purpose and objectives of this Section.

c. It will allow a site plan that is more consistent with the character of the area.

d. It will result in the retention of more existing significant trees.

e. It better accommodates or improves the existing physical conditions of the subject property.

f. The topography decreases or eliminates the need for visual screening.

g. It does not reduce the effect of required screening.

h. Efforts are made to create interest by providing a variety of colors and textures.

7. Required Landscape Plan: With the exception of one- and two-family dwellings, a detailed landscape plan shall be submitted for review and approval by the Community Development Department for all new developments, additions, or modifications to existing developments, or when changes are made to existing landscape plans. Landscape plans shall be prepared by a registered landscape architect or other qualified individual as determined by the Community Development Department. The landscape plan shall be drawn to a scale of not smaller than 1 inch equals 50 feet. The locations and materials which are to be used in landscaping existing and proposed developments shall be clearly drawn and labeled on a landscape plan. The plan shall, at a minimum, show the following:

a. Boundary lines of the property with accurate dimensions.

b. Locations of existing and proposed buildings, parking lots, roads, and other improvements;

c. Existing topography and proposed grading with contour intervals no greater than 2 feet;

d. Location and diameter of trees and common names of existing trees and shrubs;

e. Planting schedule containing symbols, quantities, common and botanical names, size of plant materials, and root condition;

f. Planting details illustrating proposed locations of all new plant materials;

g. Locations and details of other landscape features including berms, retaining walls, fences, walls, sculptures, fountains, street furniture, lights, courtyards, and planters;

h. Details of restoration of disturbed areas including areas to be sodded or seeded;

i. Location and details of irrigation systems;

j. Details and cross sections of all required non-vegetative screening;

k. Description of the method to be employed for the protection of all existing landscape materials to be saved; and

l. Planting and installation details as necessary to ensure conformance with all required standards.

8. Maintenance: The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this Section and is the responsibility of the owner and tenant of the property on which the materials are required. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this requirement shall be a violation of this Section.

a. All new landscape plans shall be accompanied by a landscape maintenance plan that includes all initial plant warranties, the plan for mulch restoration, and all pertinent contact information.

b. Plantings shall be maintained in a neat, healthy condition and comply with the site maintenance plan approved by the Community Development Department. Plantings which have died shall be promptly replaced in accordance with a landscape plan approved by the City for the site.

9. Security:

a. Landscape Security Required: Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developer, contractor, or property owner shall deposit a security with the City to guarantee compliance with and to indemnify the City for any expenses incurred in enforcing the requirements of this Section.

i. One- and Two-family Dwellings: Landscape security for detached or attached one- or two-family dwellings shall be a cash escrow in the amount of $500.00.

ii. All Other Uses: Landscape security for all uses except detached or attached one- or two-family dwellings shall be in a form approved by the Community Development Department and shall be equal to 125% of the estimated cost necessary to furnish and

plant the required landscaping and any ancillary screening improvements such as fencing. The estimated cost shall be subject to approval by the City. If the estimated cost submitted by the developer to the City is not approved by the City, the City shall have the exclusive right to determine the estimated cost.

b. Landscape Inspection: The developer, contractor, or property owner shall request an inspection after the required landscaping has been installed. The Community Development Department will perform the inspection and determine compliance with the approved landscape plan.

c. Releasing the Security: Upon the determination by the Community Development Department that a landscape installation is consistent with landscape requirements and approved plans, the security shall be released to the developer, contractor, or property owner according to the requirements below.

   i. One- and Two-family Dwellings: A required security shall be released upon the successful inspection of the landscape installation. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied obligations.

   ii. All Other Uses: The landscape security for all uses except detached or attached one- or two-family dwellings shall be held by the Community Development Department for a minimum of 2 full years beginning upon the successful inspection of the landscape installation. A reduction can be sought after the first year and after an inspection is requested by the developer, contractor, or property owner. If the Community Development Department determines that the landscape is established appropriately, a portion of the security may be released. That part of the security which has not been released at the end of the first year shall be retained and shall secure the remaining obligation to replant trees which are not alive or are unhealthy at the end of the year and to replant missing trees. The entire security may be released 1 year after the replanting of such trees has been satisfactorily completed and the City has certified that those replacement trees are alive and healthy. To be certified as alive and healthy, all of the following conditions must exist:

      A. No tree shall have sustained mechanical injury to the trunk of a tree causing loss of more than 30% of the bark circumference of the tree at any location along the tree's trunk.

      B. No tree shall have had soil compacted to 6 inches deep over more than 30% of its root zone.

      C. No tree shall have had more than 30% of its roots cut for the installation of any utility or for any other purpose.

      D. No more than 25% of the crown of a tree shall consist of dead branches.

d. None of a security shall be released until the developer's, contractor's, property owner's obligations to indemnify the City for any expenses incurred in enforcing the requirements of this Section are satisfied.

10. Penalties for Violation: Any tree that is visibly damaged, has a root system that has been driven on, or has a root zone in which the soil has been compacted in any way, shall be replaced in accordance to the tree replacement formula found in Section 1011.04G. Also, any person who is not authorized by the City who removes any tree from any public property without first obtaining a permit and any person who fails to replace trees in the manner provided in this subsection shall, in addition to the criminal penalties prescribed by law, be required to pay to the City the estimated cost of tree replacement in the amount determined by the City. Upon determination that this has occurred, the City shall submit a bill for the amount of tree replacement. If that amount is not received by the City within 90 days, such amount shall be assessed as a special assessment on any land located in the City owned by the person violating this Section.

B. Buffer Area Screening: The setback requirements established for uses in each district are intended to act as buffers between those districts and uses, but heightened screening is appropriate between low-density residential dwellings and more intensive uses. For all new construction in all districts that lie adjacent to or across the street from LDR or LMDR Districts, therefore, additional screening shall be implemented as required herein.

1. Exception: The requirements in this subsection shall be applied in addition to the preceding general landscaping requirements, except that they shall not apply to Low Density Residential, Low to Medium Density Residential, or Park and Recreation Districts.

2. Acceptable Screening: Screening requirements of this Title shall be satisfied through the use of buildings, berms, solid board-on-board fences, walls, planting screens, evergreen trees, hedges, or some combination thereof. If the topography, existing vegetation, permanent structure, or other feature creates a barrier which achieves the standards of this section, they may be substituted.

   a. Screen Fences and Walls: Any screen fence or wall shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. Such screens shall be at least 6 feet in height and shall be 100% opaque.

   b. Planted Screening: Any planting screens shall consist of healthy plants, shall be at least 6 feet in height, and shall be designed to provide a minimum year round opacity of 80% at the time of installation.

   c. Notwithstanding these requirements, screening along street rights-of-way shall be maintained at a height not less than 3 feet nor more than 4 feet.

3. Maintenance: Screen fences and walls which are in disrepair shall be promptly repaired. Planted screens shall be maintained according to the normal landscape maintenance requirement of Section 1011.03A8

C. Parking Lot Landscape: Off street parking lots with more than 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture. Turf grass is permitted within landscaped areas located around the periphery of a parking lot.

1. Islands are required at the end of each row of cars, where it abuts vehicle circulation aisles or driveways, or every 15 stalls, whichever is less.

2. Islands shall be provided to separate pedestrian and vehicular traffic.

3. All islands shall contain a minimum of 160 square feet and a minimum dimension shall be 5 feet.
4. At least 1 canopy tree shall be provided in each island, in addition to assorted shrubs, perennials, to assorted ornamental grass.
5. Islands shall be prepared with clean soil to a depth of 5 feet and amended to ensure adequate drainage and nutrient and moisture-retention levels for the establishment of plantings.

D. All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought-tolerant plant materials are used exclusively. Where drought-tolerant plant materials are used, irrigation shall be required only for the two-year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.

1011.04: TREE PRESERVATION AND RESTORATION IN ALL DISTRICTS:

A. Intent and Purpose. The City of Roseville recognizes that trees are a significant element of the community given their beauty (adding color and interest to the urban landscape, and being a source of joy and spiritual renewal for many), their importance to the environment (purifying air and water, helping to conserve soil and energy, reduction of noise and energy consumption, and providing valuable habitat for all kinds of wildlife), and their positive impact on property values (by providing buffering, protection of privacy, and a unique sense of place within neighborhoods). The purpose of this section is to protect and promote this important resource by:

1. Ensuring trees are protected when they are most vulnerable: during times of development;
2. Establishing reasonable requirements for replacement of significant trees lost due to development;
3. Incentivizing the protection and planting of trees at all times for the benefits they provide;
4. Instituting plan requirements to ensure tree losses can be identified prior to development, and that adequate replacement plantings will occur following land disturbances;
5. Providing for fair, effective, and consistent enforcement of the regulations contained herein.

B. Applicability

1. The regulations in this section shall apply to any individual, business or entity that applies for one of the below permits or approvals.
    a. An application for platting, re-platting, or any lot division application that does not qualify as a minor lot subdivision; or
    b. A building permit application to construct a new principal structure or seeking to expand the footprint of an existing principal structure by more than 50%; or
    c. A demolition permit seeking to remove more than 50% of a principal structure in anticipation of immediate or future redevelopment; or
    d. A grading permit seeking to add, move, or relocate 50 cubic yards or more in all non-Shoreland Management Districts; or 10 cubic yards with the Shoreland Management District.
2. If the Community Development Department determines that pre-application tree removal occurred in order to circumvent the regulations in this section, the Department may require

equivalent tree replacement as if a tree preservation plan had been submitted prior to removal. Pre-application tree removal shall be considered removed within two years of application. Any costs to estimate the removal may be charged to the applicant. Said determinations may be appealed to the Board of Adjustment and Appeals under Section 1009.08 of this Title.

3. Activities subject to the provisions of Chapter 1017, Shoreland, Wetland, and Storm Wastewater Management, may require tree preservation beyond that which is required by this section. In all such instances, the more restrictive preservation standard shall apply.

4. In all instances in which submissions by a degreed forester or certified arborist are required, such submissions shall be reviewed and approved by City Staff or contractors with equivalent credentials.

C. Exemptions. The following activities are exempt from the requirements of this section:

1. Tree removal related to city public improvements projects or repairs;

2. Emergency removal of a tree or trees to protect public health

D. Trees Required to be Inventoried. All deciduous trees measuring a minimum of six (6) inches at Diameter Breast Height (DBH), and all coniferous trees that are twelve (12) feet or more in height, shall be identified on the tree preservation plan sets required by this section.

E. Tree Classifications. All trees required to be inventoried shall be assigned a classification as follows:

1. Heritage Trees:

a. All deciduous trees measuring equal to or greater than twenty-seven (27) inches at DBH, and all coniferous trees measuring equal to or greater than fifty (50) feet in height.

b. A smaller tree can be considered a heritage tree if:

i. A degreed forester or certified arborist determines it is a rare or unusual species or of exceptional quality, or

ii. If it is specifically used by a developer as a focal point in a development project, and the Community Development Department concurs with the designation given the tree's location, species, and/or likelihood to become a prominent feature of the development.

2. Significant Trees:

a. All deciduous trees with DBH measurements of twelve (12) inches or greater, but less than twenty-seven (27) inches.

b. All coniferous trees that are twenty-five (25) feet or greater, but less than fifty- (50) feet in height.

3. Common Trees:

a. All deciduous trees with DBH measurements of six (6) inches or greater, but less than twelve (12) inches.

b. All coniferous trees that are twelve (12) feet tall or greater, but less than twenty- five (25) feet in height.

4. Exempt: In lieu of one of the above classifications, an inventoried tree may be classified as "Exempt" if a degreed forester or certified arborist certifies that one or more of the following conditions are met:
    a. The tree is identified as an Invasive Species and must be removed;
    b. The tree suffers from a major insect or pathological problem that cannot be resolved;
    c. The tree is experiencing extensive decay or hollow; or
    d. The tree has suffered damage or is in poor condition such that is has a life expectancy of less than ten (10) years.
    e. The tree must be removed to accommodate the installation of public streets, utilities, or storm water ponding areas. Trees classified as exempt based only on this condition shall be clearly identified on plan sets and within the required matrix.

F. Incentive Multipliers. To incentivize the protection and preservation of the most important trees within the community, the following incentive multipliers are to be used against the net preservation or loss shown on a tree preservation plan as required in Section 1011.04(G)

1. Heritage Trees 2.0
2. Significant Trees 1.0
3. Common Trees: 0.5

G. Tree Preservation Plan Set Required. At the time of application for preliminary plat, grading permit, demolition permit or building permit which includes the demolition of a principal structure; a tree preservation plan meeting the following requirements, or a simplified plan set out as outlined in 1011.04(H), shall be submitted by the applicant (failure to provide a complete tree preservation plan set shall be grounds to deem an application incomplete):

1. The tree preservation plans shall be prepared and signed by a degreed forester or certified arborist.
2. The preparation date of all tree preservation plan components shall not precede the date of application by more than two 2) years.
3. The tree preservation plan set shall consist of four (4) components.
    a. An overall tree inventory including the following information:
        i. Location, diameter, unique identifier, and species of all trees on the site;
        ii. Location, diameter, unique identifier, and species of all adjacent significant trees on adjacent property whose typical root protection zone extends on to the subject property.
        iii. Trees on the subject property shall be tagged and numbered with the unique identifier assigned to the tree as part of the overall tree inventory.
    b. A disturbance plan showing the overall tree inventory in relation to the following and including:
        i. Identification of which inventoried trees are:

3759 A. Protected, preserved, or undisturbed

3760 B. Removed or disturbed (the typical root protection zone will be impacted); and

3761 C. Exempt [per Section 1011.04(E)(4)]

3762 ii. Proposed grading contours of the site.

3763 iii. Proposed location of building pads and other impervious surfaces being installed.

3764 iv. Proposed disturbance zones (due to construction, grading, utility installations and other
3765 development activities) as identified by cross-hatching or gray- colored shading on the
3766 plan.

3767 v. Identification of tree protection zones:

3768 A. At a minimum, plans must identify the typical root protection zone for all inventoried
3769 trees except those proposed for removal.

3770 B. At the discretion of the applicant, greater protection may be provided to individual
3771 trees by identifying a tree's unique dripline as the protection zone; in no instance
3772 shall a dripline provide less protection than a typical root protection zone.

3773 vi. Proposed locations and details of tree protection fencing to be installed for all trees to be
3774 preserved.

3775 c. A final planting plan showing:

3776 i. The final inventory of existing trees to remain on-site following completion of all
3777 development activities.

3778 ii. Location, diameter, and species of all proposed replacement trees in conformance with
3779 Section 1011.04(J).

3780 iii. Location, diameter, and species of all required landscaping as required by Section
3781 1011.03.

3782 d. A matrix of inventoried trees that meets the following specifications:

3783 i. Data for each tree shall include:

3784 A. A unique identification number assigned to each tree that identifies the tree on the
3785 preservation plan sets;

3786 B. The tree's classification as defined in Section 1011.04(E);

3787 C. The tree's species or common name;

3788 D. The actual size of deciduous trees at diameter breast height (noting if a tree is a multi-
3789 stemmed tree and how many stems exist); and for coniferous trees, the following
3790 diameter breast heights based on their classification:

3791 a. Heritage Coniferous Tree: 18 inches

3792 b. Significant Coniferous Tree: 12 inches

3793 c. Common Coniferous Tree: 6 inches

E. An indication as to whether the tree is intended for removal, intended to be preserved, or is exempt due to the condition of the tree or the location of the tree in an allowed removal area.

ii. A summary table shall be provided which includes the following:

A. The total number of inventoried trees on the site broken down by Heritage trees, Significant Trees, Common Trees, and Exempt Trees;

B. The total number of diameter breast height inches on the site broken down into Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;

C. The total number of allowed diameter breast height inches that can be removed without replacement per Section 1011.04(I)

D. The total number of trees in each category being removed;

E. The total number of diameter breast height inches planned for removal broken down by Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;

F. The net diameter breast height inches being preserved or removed in relation to allowed removal of reach tree type;

G. A denotation of the incentive multiplier for each tree type; Heritage Trees (x2), Significant Trees (x1), Common Trees (x0.5) and Exempt Trees (x0).

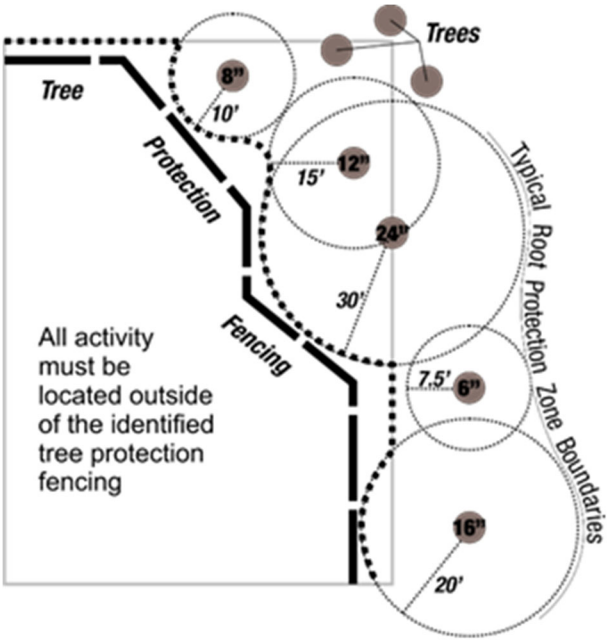
H. The final product of diameter breast height inches being preserved or removed multiplied by the incentive multiplier;

I. The final sum of removals and credits following consideration of the incentive multiplier. Final numbers reflect caliper inches.

Example Summary Table

	Number of Trees	Number Of Diameter Inches	Allowed Removal %	Allowed Removal in Inches	Number of Trees Removed	Actual Removal in Inches	Net Removal or Net Preservation	Incentive Multiplier	Final Caliper Inches
Heritage	3	120	15%	18	0	0	18	2	36
Significant	5	60	35%	21	2	-30	-9	1	-9
Common	8	48	35%	17	8	-48	-31	0.5	-16
Exempt	12	64	100%	64	12	-64	0	0	0
Total	28	292		120	22	-142	-22		11

H. Tree Preservation Simplified Plan Set



1. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may be submitted when trees do not exist on the site or when no activity is planned within the typical root protection zone of existing trees. Simplified plans, when pre-approved for submittal, shall include the following information:
    a. Location of trees (both on and adjacent to the property) showing required protection zones.
        i. At a minimum, plans must identify the typical root protection zones for each tree which forms the boundary of vegetation being protected during the proposed activity.
        ii. At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less projection than a typical root protection zone.
    b. Proposed grading contours of the site (if applicable):
    c. Proposed location of building pads and other impervious surfaces being installed;
    d. Proposed locations and details of tree protection fencing to be installed for all treed areas to be protected.
2. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may also be submitted when a significant majority of trees will be preserved on a site, and the few trees to be impacted within the area of activity will clearly not exceed allowed removal thresholds.
3. An escrow as required by 1011.04(M) shall still be required for any activity which can be permitted with a simplified Tree Preservation plan set.

I. Allowable Tree Removal

1. In conjunction with platting, re-platting, or any lot division that requires a tree preservation plan, the approved plan shall dictate tree preservation requirements on all new lots until such time as the lots have been developed for their intended purpose.
    a. Inventoried trees within right-of-way(s) or easement(s) that are being used for the installation of public streets, utilities, or storm water ponding areas may be removed without required replacement.
    b. Of all remaining inventoried trees not exempt per Section 1011.04(I)(1)(a) above, up to 15% of the total DBH-inches of all Heritage trees, up to 35% of the total DBH-inches of all Significant trees, and up to 35% of the total DBH-inches of all Common trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in Section 1011.04(F);
    c. The required final planting plan shall identify the final allowed tree removal for each lot within the proposed development.
2. Properties that are subject to the Tree Preservation requirements of Section 1011.04 due to a requested building permit, demolition permit, or grading permit shall determine allowable removal based on the following:
    a. If a tree preservation plan set was previously approved for the site within two (2) years of the application date and the proposed activity is in substantial conformance with the approved plan as determined by the Community Development Department, then the approved plan set shall dictate allowed removals on the lot.
    b. If a tree preservation plan was previously approved for the site within two (2) years of the application date, but the proposed activity was not authorized by the approved plan as determined by the Community Development Department, then the approved plan shall be updated.
        i. The updated plan set shall be administratively reviewed and finalized in conjunction with the triggering permit application;
        ii. Additional tree replacement, if deemed necessary, shall become a condition of approval for the application being requested.
        iii. The City shall not be responsible to reimburse any party for replanting which has already occurred if the updated plan preserves more trees than initially anticipated.
    c. If the subject lot is not party to a previously approved tree preservation plan set, then a new tree preservation plan in conformance with Section 1011.04(F) (G) or (H) shall be submitted, administratively reviewed, and finalized in conjunction with the triggering permit application.

J. Replacement Tree Specifications

1. The minimum size for Deciduous replacement trees shall be 3-inch caliper, with each caliper inch counting towards one (1) diameter breast height inch required for replacement.
2. The minimum height for Coniferous replacement trees shall be six (6) feet with credits for each replacement tree being in accordance with the following table:

Height Range (min 6')	Credit Against Required DBH Replacement Inches
Less than 8 feet	1 inch
8 feet to less than 12 feet	2 inches
12 feet or greater	3 inches

3. Replacement trees shall be from balled and burlapped, certified nursery stock as defined and controlled by MN Stat. 18.44 through 18.61, the Plant Pest Act, as may be amended from time to time. Replacement trees may also be from bare root stock, provided the trees are planted no later than May 15th in any year, and the planting is inspected by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

4. Replacement trees shall be covered by a minimum 2-year guarantee in accordance with Section 1011.04(M).

5. When heritage trees are removed, replacement trees options shall be as determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

6. Replacement trees for significant and common trees may be selected by the applicant, but all final planting plans shall be subject to review and approval by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department, who will determine whether the proposed trees are suitable to the site, are well placed, and accomplish local diversity goals.

7. Replacement trees may be utilized to meet landscaping and screening requirements if placement, species, and location are consistent with those requirements.

8. Replacement Tree Locations. Required replacement trees shall be planted on the site being developed unless doing so is deemed to be impractical (i.e. due to lack of space), inappropriate (available planting areas are not ideal for new plantings or would do little to enhance the site), or counterproductive to a property's intent (i.e. would entail too much screening for a retail business) as determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department. When such a determination is made, the applicant shall comply with replacement requirements in one of three ways in the following manner:

    a. As directed by the City , required replacement trees may be located on private property within 1000 feet of the subject development site with the consent of the property owner(s), on public improvement project sites that are not greater than 1000 feet from the development site, or on other public and private lands that are not greater than 1000 feet from the development site if such lands are deemed to be available, with priority given to locations near the affected area; or

b. The City may accept a cash-in-lieu tree replacement payment in accordance with the required fee listed in the City Fee Schedule. In no instance shall a cash-in- lieu of payment exceed 10% of the Fair Market Value of the development site; or

c. The City may approve a combination of tree replacement in accordance with "a" above and a payment consistent with "b" above to fulfill this requirement. (Ord. 1503 07-11-16)

K. Tree Protection Required. All trees which are to be retained on a site shall be marked and physically protected from harm or destruction caused by soil compaction, equipment and material storage within a tree's identified protection zone, bark abrasions, changes in soil chemistry, out- of-season pruning, and root damage during construction.

1. Before any construction or grading of any development project occurs, a "safety fence" per the approved tree preservation plan shall be erected meeting the following requirements:

   a. Must be at least 4 feet in height and staked with posts no less than every 5 feet.

   b. Shall be placed around the identified protection zone(s) of trees to be preserved per the approved tree preservation plan.

   c. Signs shall be placed along the fence line identifying the area as a tree protection area, and prohibiting development activities beyond the fence line.

2. The tree protection fencing shall remain in place until all grading and construction activity is terminated; failure to maintain tree protection fencing shall be grounds for issuance of a stop work order.

3. No equipment, construction materials, or soil may be stored within the identified protection zone of any inventoried tree to be preserved.

4. Care must be taken to prevent a change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.

5. Drainage patterns on the site shall not change considerably causing drastic environmental changes in the soil moisture content where trees are intended to be preserved.

6. Pruning of oak trees and elm trees shall be subject to the following requirements:

   a. Pruning of Oak trees shall not occur from March 15th through July 1st.

   b. Pruning of Elm trees shall not occur from April 1st through August 31st.

   c. On a year to year basis, the City Council may alleviate or extend the above seasonal restrictions by resolution if, in its opinion, the same is necessary for the betterment of city wide oak and elm tree populations.

   d. If pruning of either tree type is absolutely necessary during prohibited timeframes, the city shall be notified before work begins, and the landowner shall be required to seal all wounds with a proper wound sealing paint authorized by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

7. Unplanned Loss of Trees

a. Any tree, not previously identified for removal, that is determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department to be destroyed or damaged as a result of development activity shall be replaced at the following rates:

Category	Replacement Rate
Heritage Trees	2.5
Significant Trees	1.5
Common Trees	1.0

b. Unauthorized tree removal which results in mandatory replacement shall require the applicant to prepare or update a final planting plan as required by Section 1011.04(G)(3)(c). Replacement plantings shall only occur once authorized by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

L. Certification of Compliance with Approved Landscape Plan. Upon completion of construction activity and/or required landscaping, the Developer shall notify the City and request an inspection of the work. Following the inspection, the City shall notify the Developer that additional work is still required, or issue a letter finding that all plantings have been satisfactorily completed. The required warranty period for plantings shall begin on the date of the issued satisfactory completion letter.

M. Warranty Requirement

1. New Development Sites: The Developer shall provide a financial guarantee, in a form satisfactory to the City, prior to the approval or issuance of any permit for land alteration.

a. The amount of the guarantee shall be 125% of the estimated cost to furnish and plant replacement trees. The estimated cost shall be provided by the Developer subject to approval by the City. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of replacement trees. The City reserves the right in its sole discretion to determine the estimated cost in the event the Developer's estimated cost is not approved.

b. The security shall be maintained for at least 2 years after the date that the last replacement tree has been planted. Upon a showing by the Developer and such inspection as may be made by the City, that portion of the security may be released by the City equal to 125% of the estimated cost of the replacement trees which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the Developer's obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of the replanting of such trees the entire security may be released.

2. Development or Redevelopment of Existing Lots: The developer shall provide a cash escrow in the amount of $500.00 to guarantee compliance with the requirements of this Ordinance. Said security shall be released upon compliance by the developer to the satisfaction of the City. Notwithstanding the foregoing, no portion of the security shall be released while there are

unsatisfied Developer's obligations to indemnify the City for any expenses in enforcing this requirement.

3. The City may retain from the security required above as reimbursement an amount expended by the City to enforce the provisions of this Section.

N. Entry on Private Property and Interference with Inspection. The Community Development Department may enter upon private premises as any reasonable time for the purposes of enforcing the regulations set forth in this Section. No person shall unreasonably hinder, prevent, delay, or interfere with the Community Development Department while engaged in the enforcement of this Section. (Ord. 1490, 12/7/2015)

1011.05: LOT CONTROLS IN ALL DISTRICTS:

A. Purpose: Lot controls are established to provide for the orderly development and use of land, and to provide for adequate light, air, open space, and separation of uses.

B. Use of Lots: All lots shall be used in a manner consistent with the requirements of this Title and the zoning district in which the property is located. No part of any existing lot shall be used as a separate lot or for the use of another lot, except as may be otherwise provided in the City Code.

C. Lots of Record:

1. A lot of record shall be deemed a buildable lot provided it has frontage on a public right-of-way and meets the setback and size requirements for the district in which it is located.

2. Exception: An LDR- or LMDR-zoned lot of record as of January 1, 2011, which does not meet the requirements of this Title as to area or width, may be utilized for one-family detached dwelling purposes provided the measurements of such lot meets 100% of the front yard, side yard and rear yard setback requirements for the district in which it is located and at least 60% of the minimum lot area and lot width requirements for the district in which it is located.

D. Principal Buildings in LDR and LMDR Districts: No LDR- or LMDR-zoned lot shall include more than 1 principal building.

E. Principal Buildings in Non-LDR or LMDR Districts: Lots in non-LDR or LMDR districts may include more than 1 principal building, provided each building meets all of the requirements, including setbacks, of the district in which it is located.

F. Required Yards: Yard requirements shall be as specified for the zoning district in which the lot is located.

G. Yard Encroachments: The following improvements shall not be considered as encroachments into required yards, provided they conform to the pertinent limitations.

1. Cornices, canopies, awnings, eaves, gutters, bay windows, and other ornamental features which do not extend more than 3 feet into the required yard.

2. Chimneys, air conditioning units, fire escapes, uncovered stairs, ramps, and necessary landings which do not extend more than 3 feet into the required yard.

3. Terraces, steps, uncovered porches and patios, decks, stoops, or similar features which do not extend above the height of the ground floor level of the principal structure or to a distance less than 2 feet from any lot line. Notwithstanding this requirement, patios shall not be less than 10 feet from a street right-of-way.

4. Fences constructed and maintained in accordance with the applicable provisions of this Title.

1011.06: VISIBILITY TRIANGLES IN ALL DISTRICTS:

A. Purpose: This section is intended to define and regulate areas around street intersections for the purpose of preserving adequate sight lines for the safety of motorists, cyclists, and pedestrians passing through the intersections. Visibility triangles are described by locating Points A, B, and C as instructed in this Section and connecting these points with straight lines.

B. Applicability: Although the visibility triangles described in this section at least partially overlap land in the public right-of-way, the requirements of this section apply only to the privately owned property (i.e., land which is not in the public right-of-way) that lies within a visibility triangle.

C. Definitions: The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them:

1. Street X: At an intersection, Street X is the street of higher classification or, if intersecting streets are of equal classification, the primary street as determined by the Community Development Department.

2. Street Y: At an intersection, Street Y is the street of lower classification or, if intersecting streets are of equal classification, the street which is not determined by the Community Development Department to be the primary street.

3. Width of Street: The distance in feet measured from back-of-curb to back-of-curb or, in the absence of a curb, the distance measured perpendicularly from the edge of the paving surface to the opposite edge of the paving surface.

D. Parcels Zoned Low-Density or Low to Medium Density Residential: The visibility triangle for a street intersection adjacent to an LDR- or LMDR-zoned parcel shall be described as follows:

1. Point A: Located by extending the curb lines (or pavement edges where there are no curbs) of Streets X and Y toward the intersection until the curb lines meet.

2. Point B: Located on the curb line of Street Y 45 feet from Point A.

3. Point C: Located on the curb line of Street X 45 feet from Point A.

E. Parcels Not Zoned Low-Density Residential or Low to Medium Density Residential: The regulations in this section shall apply to all private property, except LDR- or LMDR-zoned property, within visibility triangles.

1. Controlled Street Intersections:

a. Four-way Stop or Traffic Control Signal: The visibility triangle for a four-way stop or traffic signal controlled intersection shall be described as follows:

i. Point A: Located at the intersection of the center lines of Streets X and Y.

ii. Point B: Located on the center line of Street Y at a distance from Point A equal to 1½ times the average of the widths of Street X and Y.

$$Distance\ from\ Point\ A\ to\ Point\ B = \frac{3}{4}(width\ of\ Street\ X + width\ of\ Street\ Y)$$

iii. Point C: Located on the center line of Street X at a distance from Point A equal to 1½ times the average of the widths of Streets X and Y.

$$Distance\ from\ Point\ B\ to\ Point\ C = \frac{3}{4}(width\ of\ Street\ X + width\ of\ Street\ Y)$$

b. Three-way Stop: The visibility triangle for a three-way stop at a T-intersection shall be described the same as for the four-way stop.

c. Two-way Stop: The visibility triangle for a two-way stop controlled intersection shall be described as follows (Street Y has stop control):

i. Point A: Located at the intersection of the center lines of Streets X and Y.

ii. Point B: Located on the center line of Street Y at a distance from Point A equal to half the width of Street X plus 15 feet.

$$Distance\ from\ Point\ A\ to\ Point\ B = \left(\frac{width\ of\ Street\ X}{2}\right) + 15\ feet$$

iii. Point C: Located on the center line of Street X at a distance in feet from Point A given by Table 1011-4 according to the speed limit and width of Street X.

Table 1011-4

Width of Street X (in feet)	Speed Limit of Street X				
	30 mph	35 mph	40 mph	45 mph	50 mph
16 - 20	155	190	220	290	350
21 - 25	170	205	245	300	365
26 - 30	185	225	265	330	400
31 - 35	200	245	290	360	435
36 - 40	215	265	310	390	470
41 - 45	230	280	330	420	505
46 - 50	250	300	355	450	540
51 - 55	265	320	375	475	575

56 - 60	280	340	400	505	610

d. One-way Stop: The visibility triangle for a one-way stop at a T-intersection shall be the same as for the two-way stop.

e. Two-way Yield: The visibility triangle for a two-way yield controlled intersection shall be described as follows (Street Y has yield control):

i. Point A: Located at the intersection of the center line of Streets X and Y.

ii. Point B: Located on the center line of Street Y at a distance from Point A equal to half the width of Street X plus 50 feet.

$$Distance\ from\ Point\ A\ to\ Point\ B = \left(\frac{width\ of\ Street\ X}{2}\right) + 50\ feet$$

iii. Point C: Located on the center line of Street X at a distance in feet from Point A given by Table 1011-5, according to the speed limit of Street X.

Table 1011.5			
Speed Limit of Street X or Y (in miles per hour)	30	35	40
Distance from Point A(in feet)	110	140	180

f. One-way Yield: The visibility triangle for a one-way yield at a T-intersection shall be described the same as for the two-way yield.

g. Special: The visibility triangle for all other types of controlled intersections shall be described as combinations of the above visibility triangles.

2. Uncontrolled Street Intersections:

a. Four-leg and Three-leg Intersections: Other than T-intersections, the visibility triangle for these types of intersections shall be described as follows:

i. Point A: Located at the intersection of the center lines of Streets X and Y.

ii. Point B: Located on the center line of Street Y at a distance from Point A given by Table 1011-5, according to the speed limit of Street Y.

iii. Point C: Located on the center line of Street X at a distance from Point A given by Table 1011-5, according to the speed limit of Street X.

b. T-Intersections: The visibility triangle shall be determined as for T-intersections with a one-way yield.

c. Roundabout Intersections: No visibility triangle is necessary at roundabout intersections because all traffic circulates in the same counterclockwise direction.

3. Intersections of Streets with Driveways (or Alleys): The visibility triangle for the intersection of a street with a driveway shall be described as follows.
    a. Point A: Located by extending the curb lines (or pavement edges where there are no curbs) of the street and driveway toward the intersection until the curb lines meet.
    b. Point B: Located on the curb line of the driveway 10 feet from Point A. c. Point C: Located on the curb line of the street 10 feet from Point A.
4. Intersections of Driveways (or Alleys) with Sidewalks (or Paths): The visibility triangle for the intersection of a driveway shall be described as follows:
    a. Point A: Located at the intersection of the driveway and sidewalk.
    b. b. Point B: Located on the edge of the sidewalk 5 feet from Point A.
    c. Point C: Located on the curb line (or pavement edge, if no curb is present) of the driveway 5 feet from Point A.

F. Prohibitions: The following restrictions apply to all visibility triangles:

1. No structures shall be erected except for fences, walls, or berms not exceeding 30 inches in height as measured from the top of the curb (or pavement edge where there is no curb) immediately adjacent to the triangle area;
2. No motor vehicle, trailer, or other equipment shall be allowed to park, stand, or stop; and
3. No vegetation shall be planted or allowed to grow higher than 30 inches as measured from the top of the curb (or pavement edge where there is no curb) immediately adjacent to the triangle area.

1011.07: HEIGHT EXEMPTIONS IN ALL DISTRICTS:

A. The building and structure height limitations established for each zoning district shall apply to all buildings and structures, except that the following shall be exempt from said height limitation:

1. Church spires
2. Belfries
3. Cupolas and domes which do not contain usable space
4. Monuments
5. Water towers
6. Fire and hose towers
7. Observation towers
8. Flagpoles
9. Electrical transmission towers
10. Chimneys
11. Smokestacks

12. Parapet walls extending not more than 3 feet above the limiting height of the building
13. Cooling towers
14. Grain elevators
15. Elevator penthouses

B. Exception: If, in the opinion of the Community Development Department, such structure would adversely affect adjacent property, such greater height shall not be authorized except by the City Council pursuant to the appeals procedure established in Section 1009.08.

1011.08: FENCES IN ALL DISTRICTS:

A. General Requirements: Fences may be constructed, placed, or maintained in any yard or adjacent to a lot line in accordance with these requirements.

1. The owner of the property upon which a fence is located shall be responsible for locating all property lines prior to constructing said fence.
2. All fence posts and supporting members shall be placed within the property lines of the property on which the fence is located.
3. Fences in front yards shall not exceed 4 feet in height. Notwithstanding this limitation, fences in front yards which are adjacent to the side or rear yards of abutting lots may be as tall at 6.5 feet.
4. Fence height shall be measured from the average grade adjacent to the bottom of the fence to the top of the fence material. Fence posts may extend an additional 6 inches.
5. All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or the public right-of-way.
6. All fences shall be constructed of durable, uniform, weather-resistant, and rust- proofed materials.
7. All fences shall be maintained and kept in good condition.
8. Fences exceeding 4 feet in height shall require a permit from the City.
9. Temporary snow fencing is allowed seasonally, when snow is present, without a permit.
10. Non-residential Fences: In addition to the requirements of this section, fences in all non-residential districts shall conform to the screening requirements of Section 1011.03B of this Chapter.
11. Fencing of Play Areas: For public or private parks and playgrounds located adjacent to a public right-of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width or a fence no less than 4 feet in height shall be installed between the facility and the right-of-way.

B. Residential Fences: The following standards shall apply to all fences constructed in any residential zoning district

1. No fence used for screening or security shall exceed 6.5 feet in height;
2. Fences shall be comprised of chain-link, wood, plastic, or metal, but shall not be barbed wire, electric, weaved or welded wire

3. Exception: Weaved or welded wire or mesh fences erected at the periphery of a garden and used to keep unwanted animals out of the garden shall be allowed to a maximum of 8 feet in height.

(Ord. 1436 5-13-13)

1011.09: ESSENTIAL SERVICES IN ALL DISTRICTS:

A. Purpose: The purpose of this Section is to provide for the installation of essential services in a manner that does not adversely affect the public health, safety, or welfare.

B. Essential Services Allowed by Permit: The following essential services, when installed primarily for the use of City residents, shall only require a permit from the City Engineer:

1. All communication lines.
2. Underground electrical transmission lines, overhead utility lines, and electrical transmission lines intended to serve properties within the City.
3. Pipelines for distribution to individual properties within the City.
4. Electrical substations with less than 33 KV.
5. Radio receivers and transmitters accessory to an essential service, when placed on an existing utility pole, tower, or light standard.

1011.10: SOLAR ENERGY SYSTEMS IN ALL DISTRICTS:

A. Solar energy systems are allowed as accessory uses in all zoning classifications where structures of any sort are allowed.

B. Active solar energy systems shall be allowed as accessory uses in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below:

1. Height: Active solar systems must meet the following height requirements:
   a. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed building height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other such mechanical devices.
   b. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
2. Setback: Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
   a. Roof-mounted Systems: Consistent with the required building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

b. Ground-mounted Systems: Ground-mounted solar energy systems shall not extend into the required side- or rear-yard setback when oriented at minimum design tilt.

3. Visibility: Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of- way other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

   a. Building-integrated Photovoltaic Systems: Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use, and performance standards for the district in which the building is located.

   b. Solar Energy Systems with Mounting Devices: Roof- or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mounted systems that are visible from the nearest edge(s) of the street frontage right(s)-of-way shall be reviewed and approved by Community Development staff to ensure the system meets the wind load standards for the roof and there are not major aesthetic impacts with the system to the surrounding properties.

   c. Coverage: Roof- or building- mounted systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of 1 foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.

4. Approved Components: Electric solar energy system components must have a UL listing.

5. Plan Approval Required: All solar energy systems shall require administrative plan approval by the Community Development Department.

   a. Applications: Plan application for solar energy systems shall be accompanied by scaled horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building, or on the property for a ground-mount system, including the property lines.

   b. Pitched-roof-mounted Systems; For all roof-mounted systems other than a flat roof the elevation drawings shall show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

   c. Flat-roof-mounted Systems: For flat-roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

6. Plan Approvals: Applications that meet the design requirements of this policy shall be granted administrative approval by the Community Development Department and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

7. Compliance with Building Code: All active solar energy systems shall require building permits.

8. Compliance with State Electric Code: All photovoltaic systems shall comply with the Minnesota State Electric Code.

9. Utility Notification: No grid-intertie photovoltaic system shall be installed until evidence has been given to the Community Development Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

1011.11: ADDITIONAL STANDARDS IN ALL NON-LDR OR LMDR DISTRICTS:

A. Rooftop Equipment: Rooftop equipment, including structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood or other material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

B. Waste and Recycling Areas: Waste and recycling storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. Waste and recycling enclosures within developments of 2- stories or more shall incorporate a trellis cover or a roof design to screen views from above. The enclosure should be accessible to residents and businesses, yet located away from main entries.

C. Maintenance Activities: Movement of sweeping vehicles, garbage trucks, maintenance trucks, and other service vehicles and equipment is prohibited within 300 feet of a residential district between the hours of 10:00 P.M. and 7:00 A.M., except for emergency vehicles and emergency utility or maintenance activities. Snow removal shall be undertaken in a manner that minimizes activity between the hours of 10:00 P.M. and 7:00 A.M. Long term snow storage (more than 7 days) shall not occur within 300 feet of a residential district unless approved by the Community Development Department. Long term snow storage may only occur on surplus parking spaces beyond the required spaces within Chapter 1019 of this Title.

D. Service Areas and Mechanical Equipment: Service areas, utility meters, and building mechanical equipment shall not be located on the street side of a building or on a side wall closer than 10 feet to the street side of a building, unless determined by Community Development Department that there is no reasonable alternative.

E. Parking Lot Lighting: The following standards for on-site lighting of parking lots shall be required for all uses.

1. Fixtures: Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare unless decorative and utilized for pedestrian safety.

2. Minimum Lighting Levels: Energy efficient lighting systems shall be employed for all exterior lighting. Minimum lighting levels, measured at a height of 5 feet above the grade, for parking facilities shall be as follows:

   a. Covered Parking Facilities (Day):

      i. General parking and pedestrian areas: 5 foot-candles

ii. Ramps/corners: 10 foot-candles

iii. Entrances/exits: 50 foot-candles

iv. Stairwells: 20 foot-candles

b. Covered Parking Facilities (Night):

i. General parking and pedestrian areas: 5 foot-candles

ii. Ramps/corners: 5 foot-candles

iii. Entrances/exits: 5 foot-candles

iv. Stairwells 20 foot-candles

c. Open Parking Areas:

i. General parking, vehicle, and pedestrian areas: .4 to 1 foot-candle

3. All lights not reasonably required for security or business operations must be turned off between the hours of 10:00 P.M. and sunrise, or operated by motion detectors so that they only turn on when there is activity nearby and turn off shortly thereafter.

4. Pole Height: The height of light poles shall not exceed 12 feet if located closer than 50 feet to a residential property line, nor a height of 25 feet if located between 50 feet and 100 feet of a residential property line. Light poles or fixtures may be a maximum of 40 feet tall if located greater than 100 feet from a residential property line and if the light source and light source glare is completely screened by building, berm, or landscape material with a minimum opacity of 90% to eye level view of living spaces in homes within 300 feet of light source.

5. Decorative Lighting: Decorative poles and luminaires shall be allowed on all new development sites when incorporated as pedestrian safety/security lighting along walkways, paths, and near the principal structure.

1011.12: ADDITIONAL STANDARDS FOR SPECIFIC USES IN ALL DISTRICTS:

A. Residential Uses, Principal:

1. One- and two-family dwellings: See design standards in Section 1004.05.

2. Multi-family dwellings: See design standards in Section 1004.06 in addition to the following:

a. Recreational facilities must be provided to serve the needs of the anticipated population.

b. Minimum distances between buildings shall equal the sum of the required side yards for each building.

c. Screening and buffering shall be required per Section 1011.03B of this Chapter.

3. Cohousing Community: Cohousing is a permitted use within any housing type that is permitted within the zoning district where the cohousing development is located. Likewise, any housing type that is conditional within the zoning district may be used for cohousing with conditional use approval. Any allowed use within the zoning district where the cohousing development is located may be allowed as part of the cohousing development.

a. A cohousing community shall provide a community building for the shared use of the residents for typical domestic activities such as cooking or child care, and for home occupations as regulated in Section 1011.12B

b. Usable open space may be combined and shared among cohousing units.

4. Community residential facility, state licensed:

a. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

b. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.

c. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

5. Nursing Home, Assisted Living, Congregate Care:

a. The yard requirements for multi-family dwelling in the district apply. b. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

b. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens, and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.

c. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

B. Residential Uses, Accessory:

1. Accessory Dwelling Units (ADU):

a. An ADU shall be located on a lot occupied by a one-family dwelling.

b. No more than one ADU shall be allowed on a lot.

c. Either the principal dwelling unit or the ADU shall be owner-occupied and both dwelling units shall be under unified ownership.

d. Maximum occupancy of an ADU shall be limited to 2 people.

e. An ADU shall be assigned a unique address identifier to differentiate it from the principal dwelling. An attached ADU shall be identified by “Unit A” and a detached ADU shall be identified by “Unit B” following the primary property address (e.g., 1234 Elm Street Unit B).

f. A detached ADU may be located above a detached garage or within a separate accessory building meeting the standards for accessory buildings established in §1004.02 of this Title.

4344 g. A property shall have a minimum of 1 additional, conforming, off-street vehicle parking
4345 space above and beyond the number of parking spaces required for the principal dwelling unit
4346 in the zoning district.

4347 h. Home Occupations: Home occupations are permitted in ADUs, provided that the combined
4348 impacts of home occupations in the ADU and the principal dwelling unit conform to the
4349 standards and limitations established in §1011.12B2 of this Title.

4350 i. Dimensional Standards for All ADUs:

4351 i. Maximum height of an ADU, including one built above a garage shall not exceed the
4352 standards for principal or accessory buildings, as applicable.

4353 ii. Unit size: An ADU shall include at least 300 square feet of living area up to a maximum
4354 of 650 square feet of living area, but in no case shall an ADU exceed 75% of the principal
4355 dwelling's four season living area (exclusive of the ADU). For the purposes of this
4356 provision, "living area" shall include kitchen areas, bathrooms, living rooms, bedrooms
4357 (including the closet which defines the bedroom), and other rooms, and shall exclude
4358 utility rooms, hallways, entryways, storage areas, and garages.

4359 iii. An ADU shall include a maximum of 1 bedroom.

4360 iv. Setback requirements: All ADUs shall meet the standards for principal buildings;
4361 notwithstanding this requirement, detached ADUs shall not be located closer to the front
4362 property line than the principal building.

4363 j. The entryway to a detached ADU shall be connected to a street frontage with a paved
4364 walkway.

4365 k. Design Standards for Attached ADUs: The appearance or character of the principal building
4366 shall not be significantly altered so that its appearance is no longer that of a one-family
4367 dwelling.

4368 l. Design Standards for Detached ADUs:

4369 i. Material: The exterior finish material shall match in type, size, and placement, the
4370 exterior finish material of the principal dwelling unit.

4371 ii. Roof pitch: The roof pitch shall match the predominant roof pitch of the principal
4372 dwelling unit.

4373 iii. Details: Trim shall match the trim used on the principal dwelling unit. Projecting eaves
4374 shall match those of the principal dwelling unit.

4375 iv. Windows: Windows shall match those in the principal dwelling unit in proportion
4376 (relationship of width to height) and orientation (horizontal or vertical).

4377 m. Permit Required: A lifetime, non-transferrable ADU Occupancy Permit shall be required
4378 from the Community Development Department to allow an ADU to be rented. For the
4379 purposes of this provision, a "rented" ADU is one that is being occupied by a person or
4380 persons other than the family (as defined in §1001.10 of this Title) occupying the principal
4381 dwelling unit. Each property owner seeking to rent an ADU, or occupy an ADU while renting

the principal dwelling unit, shall apply for a new ADU Occupancy Permit according to the procedure established herein. In addition to receiving an ADU Occupancy Permit, the property shall be in compliance with the City's rental registration requirements.

i. Application: The owner of property on which an ADU is proposed shall file a permit application by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. The Community Development Department will review the application to determine whether the application is complete and the subject property is eligible to receive the requested ADU permit.

ii. Notification: Upon the determination that a complete application has been submitted and that the property is eligible to receive the requested ADU permit, property owners within a radius of 100 feet shall be notified in writing by the Community Development Department of the application and that they have 7 days in which to share comments or concerns about the application before the Community Development Department issues the permit.

iii. Conditions: The City may impose conditions on the issuance of an ADU permit. Such conditions must be directly related to, and must bear a rough proportionality to, impacts created by the ADU.

iv. Revocation: If a permitted ADU or the property for which an ADU permit has been issued should fail to meet the requirements of the permit, and/or if a property for which an ADU permit has been issued should become ineligible for such permit, the issued ADU permit may be revoked upon the determination by the Community Development Department that the noncompliance and/or ineligibility issue(s) cannot or have not been resolved. If an ADU permit is revoked, occupation of the ADU by a person or persons other than the family (as defined in §1001.10 of this Title) occupying the principal dwelling unit shall cease within 60 days of the date of the revocation.

v. Appeals: Determinations pertaining to the continuing compliance and/or eligibility of an ADU permit or the property for which an ADU permit has been issued are subject to appeal according to the procedure for appeals of administrative decisions established in Section 1009.08 of this Title.

vi. Expiration: An ADU permit shall expire upon transfer of the property to a new owner. Continued use of an ADU on a property which has been transferred to a new owner shall require the new owner to apply for a new ADU permit.

2. Garden Sheds in LDR and LMDR Districts: Garden sheds may be built and/or sided with materials which are different in character from the principal structure, but acceptable materials shall not include galvanized or corrugated metal.

3. Home Occupation: Home occupations are allowed in residential districts, subject to the standards below.

a. All new home occupations as of January 1, 2011, shall be subject to an annual registration with the City, on a form as required by the Community Development Department and with a fee as determined by the City Council.

b. Home occupations shall be clearly incidental and subordinate to the residential use of the property. Exterior alterations or modifications that change the residential character or appearance of any structures or the property itself are not allowed.

c. Home occupations shall not occupy more than 30% of the floor area of the dwelling, to a maximum of 600 square feet. The home occupation shall be conducted entirely within the dwelling. An accessory building shall not be used in the operation of a home occupation.

d. Only persons residing on the premises and no more than 1 nonresident employee shall be engaged in the conduct of home occupations on the premises at any given time.

e. There shall be no outside storage of products, materials, or equipment used in conjunction with home occupations.

f. The required off-street parking for the residential use shall not be reduced or made unusable by home occupations.

g. Home occupations shall not generate excessive traffic or parking demand that is detrimental to the character of the neighborhood.

h. Shipment and delivery of products, merchandise, or supplies shall be by single rear axle straight trucks or similar delivery vehicles normally used to serve residential neighborhoods.

i. There shall be no indications of offensive noise, odors, smoke, heat, glare, vibration, or electrical interference at or beyond the boundaries of the residential lots occupied by home occupations.

j. Home occupations shall meet all applicable fire and building codes, as well as any other City, State, or Federal regulations.

k. Signage for home occupations shall be subject to the requirements of Chapter 1010 of this Title.

l. The following activities shall be prohibited as home occupations:

i. The operation of any wholesale or retail business unless it is conducted entirely by mail or Internet. The sale of products incidental to the delivery of a service is allowed.

ii. Any manufacturing, welding, machine shop, or similar use.

iii. Motor vehicle repair.

iv. The sale, lease, trade, or transfer of firearms or ammunition.

v. Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.

4. Private Swimming Pools: All private swimming pools, hot tubs, and other similar private recreational facilities are subject to the following standards:

a. The facility shall not be operated as a business or private club.

b. The facility shall not be located within any required front or side yard.

c. The facility, including any walks, paved areas, or related structures or equipment, shall be set back at least 10 feet from any property line.

d. For swimming pools, the pool itself, the rear yard, or the entire property shall be enclosed by a non-climbable wall, fence, or combination thereof at least 4 feet in height with ventilating slats with openings not exceeding 4 inches, with a self- closing gate with a latch and located on the inside, 3 inches below the top of fence and capable of being secured with a lock so as to prevent uncontrolled access by children. If the only access is through a principal or accessory structure, such point of access shall be lockable. In the case of above-ground pools, pool sides that are vertical may contribute to the required fencing, provided all points of access are controlled to prevent access by children, including the removal of all ladders or stairs whenever the pool is not in use (or compliance with a nationally recognized pool safety standard).

e. For in-ground pools, the pool shall be set back at least 6 feet from the principal structure.

f. Hot tubs shall not be located within 5 feet of any side yard or rear lot line, or within any required front yard. Such pools may be equipped with a child- resistant, lockable cover in lieu of a 4 foot tall fence. Hot tubs are permitted on attached or detached decks if it can be proven that the deck is engineered to be structurally sound enough to support the bearing load of the hot tub.

g. Portable pools shall not be located within 5 feet of any side or rear lot line, or within any required front yard. Such pools may be equipped with a child resistant cover in lieu of a 4 foot tall fence. Any ladder or other means of entry into a portable pool shall be detachable and placed so that no child can gain entry into the pool without the owner's consent. Portable pools shall not be in place longer than 6 months in a calendar year.

h. Lighting shall be so oriented so as not to cast light on adjacent properties.

i. The facility shall not be located within any drainage or utility easement.

j. Any accessory mechanical apparatus shall be located at least 30 feet from any residential structure on an adjacent lot.

k. All swimming pools containing more than 3,000 gallons or with a depth in excess of 42 inches shall require a building permit from the City.

5. Private Recreational Courts: All private tennis courts, ball courts, and other similar private recreational facilities are subject to these standards.

a. The facility shall not be operated as a business or private club.

b. The facility shall not be located within any required front or side yard.

c. The facility, including any walks, paved areas or related structures or equipment, shall be set back at least 10 feet from any property line.

d. The facility shall not be located on a public street.

e. The facility shall not be located within any drainage or utility easement.

f. A chain link or other non-opaque fence not exceeding 10 feet in height may be allowed to enclose a hard-surfaced recreational court. If such a fence is used, it shall be set back at least 5 feet from side property lines and 10 from the rear property line, and shall not be placed in front of the principal structure.

6. Roomers, boarders: A maximum of 3 roomers or boarders shall be permitted per dwelling unit.

(Ord. 1418, 10-10-2011)

C. Civic and Institutional Uses:

1. Church, Religious Institution: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

2. School, Elementary or Secondary: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

3. College, or Post-secondary School, Campus:

a. An office-based facility established after the effective date of this ordinance within a Neighborhood ~~Business~~ or LMDR District shall have vehicular access to a collector or higher classification street, and shall have buffer area screening consistent with Section 1011.03B of this Title.

b. A campus master plan, approved by the City Council, may be required for campus facilities to address the management of pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses to mitigate any impacts of a new or expanded/intensified campus.

4. Theater (Live Performance) Performing Arts Center: A facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.

(Ord. 1427, 7-9-2012)

D. Institutional and Recreational Uses: Whenever temporary and/or portable restroom facilities are located within Institutional or Park and Recreation Districts for longer than the duration of a single event, the following requirements shall apply unless the Community Development Department determines that the proposed location provides adequate distance and screening from residential property views:

1. Facilities shall be located a minimum of 75 feet from any residentially zoned property; and

2. Facilities shall be screened with a minimum 6 foot tall 100% opaque board-on-board wood fence.

E. Business and Commercial Uses:

1. Extended Hours of Operation adjacent to all Residential Districts: Fence or screening height in the following requirements supersede the limitations established elsewhere in this Title:

a. Buffer Area: Where a Community Mixed Use, ~~Community Business~~ Corridor Mixed Use, or Core Mixed Use District ~~Regional Business, or Community Mixed Use District~~ abuts a residential district, all existing buffers shall remain in effect, and any new site improvement

shall include an increased buffer area of a minimum of 20 to 40 feet as determined by the Community Development Department. This protective buffer shall contain no structures, shall not be used for parking, off-street loading or storage, and shall include screening. The screening treatment shall include the seeding of grass or sodding of the whole of the buffer area, the planting of shrubbery and trees and maintaining of same, a compact screen wall, fence, berm, landscaping, or combination thereof, which shall be not less than 75% opaque year-round to a minimum height of 6 feet above the parking lot curb. The screening treatment must be approved by the Community Development Department and shall be in harmony with a residential neighborhood and provide sufficient screening of the ~~Community~~ Corridor and ~~Regional Business~~ Core Mixed uses. The fence or landscape screening shall be no less than 6 feet at the time of installation. Where a berm, wall, fence, or combination thereof is required for screening purposes for a commercial use adjacent to a residential use, such berm, wall, fence, or combination thereof shall be set back from the residential district boundary at least 3 times its height, and landscaped with trees, shrubs, perennials and sod or seed to screen 50% of the surface of the wall or fence at maturity of the plant materials year-round.

b. Traffic: The site plan shall provide vehicular circulation routes away from residential areas and avoid commercial vehicle ingress and egress from local residential streets to commercial property sites. In the site plan review and approval process, every reasonable effort must be made to design the site circulation so that service vehicles over 1 ton capacity do not use routes which bring vehicles between a building and a residential district boundary. The site plan shall also provide pedestrian access routes using walks or paths, including where practical, connections to adjacent residential areas. Service vehicles over 1 ton capacity which enter or exit the site between the hours of 10:00 P.M. and 7:00 A.M. shall use a designated route approved by the City. Deliveries and/or delivery truck access, in and on the site during the hours of 10:00 P.M. to 7:00 A.M., shall be limited to single unit, 2 axle vehicles not in excess of 26,000 pounds gross weight. The designated route shall keep vehicles at least 300 feet away from any residential district boundary, or be completely screened by a building, wall, landscaped berm, fence, or combination thereof to a point 14 feet above the ground at the outside edge of the truck route lane and to a point 5 feet above the first floor (main level) of the adjacent residences.

c. Off-Street Parking: Where a 24 hour use is within 300 feet of a residential district, that portion of the site within 300 feet shall provide screening of parking and driving areas adjacent to residential areas. The screening shall have a minimum opacity of 90% year-round and a minimum height of 6 feet, and shall be comprised of landscaping, walls, fences, berms, or combinations thereof.

d. Service delivery or non-customer vehicles shall not be parked or staged within 300 feet of a residential district, except when actively loading or unloading.

e. In no case shall vehicle staging for unloading occur for more than 24 hours on a site within any Community Mixed Use, ~~Community Business~~ Corridor Mixed Use, or Core Mixed Use District ~~Regional Business, or Community Mixed Use District~~.

f. Off-Street Loading: Off-street loading shall be as listed in Chapter 1019 of this Title and servicing space shall be designated for each store unit in the shopping district. Such loading

space shall be designed so as not to conflict with movement of vehicular traffic to and from parking areas.

i. Any commercial loading dock within 300 feet of a residential district shall be completely screened by a wall, landscaped berm, fence, or combination thereof from an adjacent residential area, to a point 14 feet above the ground at the loading area and to a point 5 feet above the first floor (main level) of adjacent residences.

ii. Any commercial loading dock within 300 feet of a residential district which is to be used for any reason by vehicles or equipment between the hours of 10:00 P.M. and 7:00 A.M. shall be within a completely enclosed and roofed structure. All loading and unloading operations shall occur with the exterior doors shut at all times.

2. Animal Hospital, Veterinary Clinic: All activities shall take place within completely enclosed buildings with soundproofing and odor control; outdoor kennels are prohibited except in zoning districts where specifically permitted.

3. Day Care Center: The center must meet all standards for registration and inspection and not exceed state limits for number of clients.

4. Mini-storage Facility: No commercial transactions shall be permitted other than the rental of storage units. Plans for on-site circulation and driveway locations shall be reviewed as part of the site plan review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

5. Communication Antennas and Towers: See subsection G below.

6. Restaurants:

   a. In the Employment districts, all restaurants shall be incorporated within a multi- use retail center.

   b. Points of vehicular ingress and egress for fast food restaurants shall not be onto a street which is used primarily for access to abutting residential property.

   c. A litter collection plan shall be developed for fast food restaurants and submitted to the Community Development Department. The litter collection plan obligates the restaurant operator to keep the area surrounding the restaurant free of litter for a reasonable, specified distance.

7. Accessory Buildings: Accessory buildings shall be limited to a single structure/building of no greater than 500 square feet in size with a maximum height of 15 feet. Setbacks for accessory structures/buildings are as regulated under Tables 1005.02, 1005.03, and 1005.04, except that accessory structures or buildings shall not be permitted in a front yard.

8. Outdoor display: All outdoor display shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls.

9. Outdoor storage, fleet vehicles: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking

area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or "retired" vehicles) shall adhere to the requirements for outdoor storage of inoperable/out of service vehicles or equipment.

10. Outdoor storage, inoperable/out of service vehicles or equipment: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence 6-8 feet in height and at least 95% opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls.

11. Student housing, existing building:

    a. Student housing seeking to reuse an existing hotel, apartment building/complex or nursing care/assisted living facility shall be a permitted use.

    b. Reuse sites that are currently adjacent to residentially zoned or used property shall be reviewed by the Community Development Department for screening/fencing needs to mitigate parking and/or drive lane impacts.

12. Student housing, new construction

    a. New construction of student housing shall be limited to a maximum height of 35 feet and a minimum setback of 30 feet when adjacent to LDR~~-1~~ or ~~LDR-1~~LMDR district; a maximum height of 40 feet and a minimum setback of 20 feet when adjacent to MDR district; and a maximum height of 65 feet and minimum setback of 15 feet when adjacent HDR ~~High-Density Residential-1~~ district~~; and a maximum height of 95 feet and minimum setback of 15-feet when adjacent to High Density Residential-2 district~~.

    b. Buildings may be stepped with lower heights placed nearer lower density residential use/district and greater heights being placed near roadways.

    c. Minimum parking lot and/or garage setbacks for student housing uses in all allowed districts shall be 10 feet, which area shall consist of landscaping, an opaque screen fence, or a combination thereof.

F. Employment Uses:

1. Artisan Workshop: Sale of goods produced shall not exceed 25% of the floor area of the facility.

2. General Retail Sales and Personal Service: In the Employment Districts, retail or service uses must be located within buildings or as part of building complexes that include office or other employment-related uses and shall be limited to 25% of the building or complex.

3. Motor Vehicle Broker/Wholesaler: All activities related to a vehicle broker or vehicle wholesaler shall be conducted within the building. No sale lots shall be allowed. A vehicle being readied for purchase/sales transaction shall be allowed to be parked in the parking lot for no more than 8 hours.

4. Manufacturing and Processing, Outdoor Activities:

a. Outdoor servicing, processing, or manufacturing, shall be no closer than 300 feet to a property occupied by a residential use.

b. All outdoor servicing, processing, or manufacturing shall be conducted, operated and maintained in accordance with any necessary permits of the Minnesota Pollution Control Agency, Ramsey County, and the City.

c. The applicant shall provide a site plan showing the location of buildings, areas of outdoor servicing, processing or manufacturing, and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to comply with the environmental regulations established in Section 1011.02.

5. Wholesale Uses: Within the ~~Office/Business Park~~ Employment and Employment Center Districts, a wholesale use shall not exceed 25% of the gross floor area of the building where it is located.

6. Accessory Buildings: Accessory buildings shall be limited to a single structure/building of no greater than 500 square feet in size with a maximum height of 15 feet. Setbacks for accessory structures/buildings are as regulated under Tables 1006.02 and 1006.03, except that accessory structures or buildings shall not be permitted in a front yard.

7. Outdoor display: All outdoor display shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls.

8. Outdoor storage, equipment and goods: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. Areas of outdoor storage shall not obstruct required drive aisles or parking stalls. Greater setbacks shall be considered for pressurized canisters or potentially explosive goods. Equipment and goods shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Equipment available for rent may be displayed without screening in an area not exceeding 10% of the screened outdoor storage area.

9. Outdoor storage, fleet vehicles: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or "retired" vehicles) shall adhere to the requirements for outdoor storage of inoperable/out of service vehicles or equipment.

10. Outdoor storage, inoperable/out of service vehicles or equipment: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls.

G. Accessory Uses and Structures:

1. Telecommunication Towers and Antennas:

a. Private Antennas and Towers: Private (noncommercial) receiving or transmitting antennas and towers more than 20 feet in height above the principal structure height in residential districts or more than 50 feet in height above the principal structure height in business and industrial districts shall be a conditional use in all districts.

b. City-Owned Antennas and Towers: City-owned or controlled antennas and tower sites shall be a permitted use in Commercial, Community Mixed Use, and Employment Districts, and a conditional use in all other districts.

c. Commercial Antennas and Towers - City Sites: Commercial receiving or transmitting antennas and towers regardless of height or size with the exception of satellite dish antennas shall connect to and use the City tower sites if use of such facilities is technically feasible.

d. Commercial Antennas and Towers - Non-City Sites: Commercial receiving or transmitting antennas and towers not located on a City tower site shall be a conditional use. Commercial receiving or transmitting antennas and towers may only be located in Commercial, Community Mixed Use and/or Employment Districts. The City may establish permit review periods, tower termination, time limits or an amortization schedule specifying the year in which the tower shall be taken down by the applicant or assign. A performance bond or other surety may be required by the City in order to assure removal of the tower at a specific date.

e. Application: The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.

f. Requirements: All antennas and towers and support structures including guy wires and foundations shall be subject to the appropriate requirements of subsection “h” of this Section and the setback requirements established for accessory structures in the applicable zoning district. Antennas, towers, guy wires and foundations, and support buildings shall be constructed on 1 lot or parcel and shall be set back a minimum of 30 feet from any front property line.

g. Design: All antennas and towers shall be designed and screened as visually appropriate, shall utilize a City-approved gray or blue color, and shall contain no signage, including logos, except as may be required by any State or Federal regulations.

h. Existing Facilities: Existing transmitting and receiving facilities at the time of the adoption of this Section may remain in service. However, at such time as any material change is made in the facilities, full compliance with this Section shall be required. No transmitting or receiving antennas or towers may be added to existing nonconforming facilities. Towers and receiving facilities shall be dismantled and removed from the site within 1 year after abandonment of the use of the tower or facility for communication purposes.

i. Security Fencing: Security fencing for antennas and towers may include chain link and barbed wire to a total height of 8 feet above grade.

j. Support Buildings: Support buildings to house switching and other communication equipment shall have a brick exterior, be a maximum of 200 square feet in size, 24 feet in height and have 2 off-street, paved parking spaces.

k. Building Permit: A building permit shall be required for the construction of new antennas and/or towers and shall include wind loading and strength and footing calculations prepared by a Minnesota registered engineer.

l. Exception: Antennas attached to, but not above, the exterior walls of buildings as an integral part of the architecture shall be a permitted use in all Commercial, Community Mixed Use and/or Employment Districts. Antennas attached to existing public utility structures or existing public utility towers in any zoning district, including electrical transmission towers or other structures deemed appropriate by the Community Development Department, shall be a permitted use in all zoning districts, provided the antenna(s) do not increase the height or bulk of said structure or tower.

2. Temporary Uses and Structures: The following temporary uses and structures shall be permitted in all zoning districts unless specified otherwise, provided such use or structure complies with the regulations of the zoning district in which it is located and all other applicable provisions of this Title:

a. Garage and boutique sales in residential districts: Garage sales and residential boutique sales are permitted accessory uses in residential districts, but shall be limited to 3 sales each calendar year per dwelling unit, and shall not exceed 3 consecutive days per sale or 9 total days in duration per year. The maximum daily hours of operation shall be 8:00 A.M. to 6:00 P.M. A residential boutique sale shall not occupy more than 400 square feet of a dwelling unit.

b. Construction Sites: Storage of building materials and equipment or temporary buildings for construction purposes shall be located on the same lot as the project under construction, and shall be removed within 30 days following completion of construction.

c. Portable Storage Unit: A maximum of 2 portable storage units, not exceeding a cumulative gross floor area of 250 square feet shall be permitted on a lot for no more than 30 days per calendar year, unless otherwise approved in conjunction with a building permit.

d. Annual Outdoor Storage and Display: An annual permit shall be required from the Community Development Department to allow outdoor storage and display of merchandise in the Commercial and Mixed-Use Districts. The Community Development Department shall review a site plan and specifics of the proposed outdoor storage and display area/use and may issue the permit, subject to (but not limited to) the following requirements:

i. The area of outdoor storage and/or display shall be limited to 350 square feet or as determined by the Community Development Department.

ii. The outdoor storage and/or display shall not utilize existing on-site parking spaces.

iii. The outdoor storage and/or display area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.

iv. Merchandise shall be stacked and/or arranged neatly and may be up to 8 feet in height or as determined by the Community Development Department.

v. The type of merchandise shall be limited to items incidental to the primary or principal use of the premises or as determined by the Community Development Department.

e. Seasonal Outdoor Sales: A seasonal outdoor sales permit shall be required from the Community Development Department to allow outdoor sales of merchandise such as produce, plants, garden supplies, and/or a farmer's market. The Community Development Department shall review a site plan and specifics of the proposed seasonal outdoor sales area/use and may issue the permit, subject to (but not limited to) the following requirements:

i. The outdoor sales area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.

ii. The outdoor sales area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.

iii. The outdoor sales area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.

iv. Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.

v. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal.

vi. Signage shall be regulated by Chapter 1010 of this Title.

f. Temporary Event: A temporary event permit shall be required from the Community Development Department to allow the temporary sale of merchandise or temporary event/activity. These uses may include the sales of fireworks, rugs, and other similar merchandise and events utilizing search lights or tents for employee/customer appreciation. The Community Development Department shall review a site plan and specifics of the proposed event area/use and may issue the permit, subject to (but not limited to) the following requirements:

i. Any single or recurring temporary event shall be limited 30 total days per calendar year.

ii. The event area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.

iii. The event area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.

iv. The event area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.

v. Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.

vi. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal.

vii. Signage shall be regulated by Chapter 1010 of this Title. (Ord. 1427, 7/9/12) (Ord. 1487, 11/30/2015)

H. Temporary Family Health Care Dwellings:

1. Opt-Out of Minnesota Statues Section 462.3593: Pursuant to authority granted by Minnesota Statues, Section 462.3593, subdivision 9, the City of Roseville opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings. (Ord. 1507 08-08-16)

CHAPTER 1012 ~~NONCONFORMING USES~~OVERLAY DISTRICTS

~~Eliminated- Ord. 1403, 12-13-2010~~

SECTION:

1009.01: Statement of Purpose

1009.02: Bus Rapid Transit (BRT) Overlay District

1012.01: STATEMENT OF PURPOSE

Overlay Districts are designed to:

A. Provide specialized guidance for specific geographic areas that may have a number of underlying zoning districts.

B. Comply with the Comprehensive Plan's land use guidance.

1012.02: BUS RAPID TRANSIT (BRT) OVERLAY DISTRICT

A. Purpose

The Bus Rapid Transit (BRT) Overlay District is intended to:

1. Achieve the guidance of the Comprehensive Plan's future land use goals and policies.
2. Promote higher residential density development within the half-mile walkshed of BRT stations.
3. Establish standards above and beyond those existing in underlying zoning districts for those areas.
4. Focus on enhancing pedestrian connections as part of development.

B. Overlay District Boundaries: This section shall apply to all lands within the jurisdiction of the City of Roseville, Minnesota, shown on the official zoning map and/or the attachments thereto as meeting both of the following:

1. Located within the boundaries of the Bus Rapid Transit (BRT) Overlay District; and,
2. Having the underlying zoning of the following base zoning districts:
   a. HDR High Density Residential District
   b. MU-1 Neighborhood Mixed Use District
   c. MU-2A and MU-2B Community Mixed Use Districts
   d. MU-3 Corridor Mixed Use District
   e. MU-4 Core Mixed Use District

C. Density Standards

1. Residential density shall be a minimum of 15 units per acre.

D. Pedestrian and Bicycle Facilities Plan: Any expansion of existing buildings or uses, a change in use, or redevelopment of property will require submittal of a Pedestrian and Bicycle Facilities Plan prior to

4849 any City approval of proposed development. The Pedestrian and Bicycle Facilities Plan shall include
4850 the following:

4851 1. Area map showing existing public and private pedestrian and bicycle facilities and destinations
4852 within a half-mile walkshed of the property.

4853 2. Proposed pedestrian and bicycle facilities.

4854 3. Proposed pedestrian and bicycle connections to existing or planned public sidewalks and trails,
4855 including pedestrian/bike street crossings.

4856 E. Pedestrian and Bicycle Facilities Standards

4857 1. Provision of pedestrian and bicycle connections to all existing or planned public sidewalks and
4858 trails, including pedestrian/bike street crossings, adjacent to the site.

4859 2. Provision of pedestrian-oriented open space adjacent to BRT stations and major roadway
4860 intersections designed as a semi-public space, outdoor seating, or other semi-public uses.

4861

4862 # CHAPTER 1013 GENERAL REQUIREMENTS

4863 Eliminated-Ord. 1403, 12-13-2010

CHAPTER 1014 CONDITIONAL USE PERMITS; VARIANCES

Eliminated-Ord. 1403, 12-13-2010

4866 # CHAPTER 1015 ADMINISTRATION

4867 Eliminated-Ord. 1403, 12-13-2010

4868 # CHAPTER 1016 AMENDMENTS

4869 Eliminated-Ord. 1403, 12-13-2010

CHAPTER 1017 SHORELAND, WETLAND AND STORM WATER MANAGEMENT

SECTION:

1017.01: Short Title

1017.02: Jurisdiction

1017.03: Statutory Authorization

1017.04: Policy; Statement of Purpose

1017.05: Definitions

1017.06: Enforcement Compliance

1017.07: Disclaimer

1017.08: Interpretation

1017.09: Severability

1017.10: Abrogation and Greater Restrictions

1017.11: Administration

1017.12: Water Management Overlay Districts

1017.13: Shoreland Classifications

1017.14: Water Management Overlay District Lot Standards

1017.15: Additional Lot Dimension Requirements

1017.16: Structure Design Standards

1017.17: General Design Criteria for Structures

1017.18: Design Criteria for Commercial, Industrial, Public and Semi- Public Uses

1017.19: Notifications to the Department of Natural Resources

1017.20: Variances

1017.21: Conditional Uses

1017.22: Nonconformities

1017.23: Subdivision/Platting Provisions

1017.24: Planned Unit Development Requirements - Repealed (Ord. 1405, 2-28-2011)

1017.25: Grading, Filling and Land Alteration - Repealed (Ord. 1557, 6-18- 2018)

1017.26: Storm Water Management

1017.27: Amendment

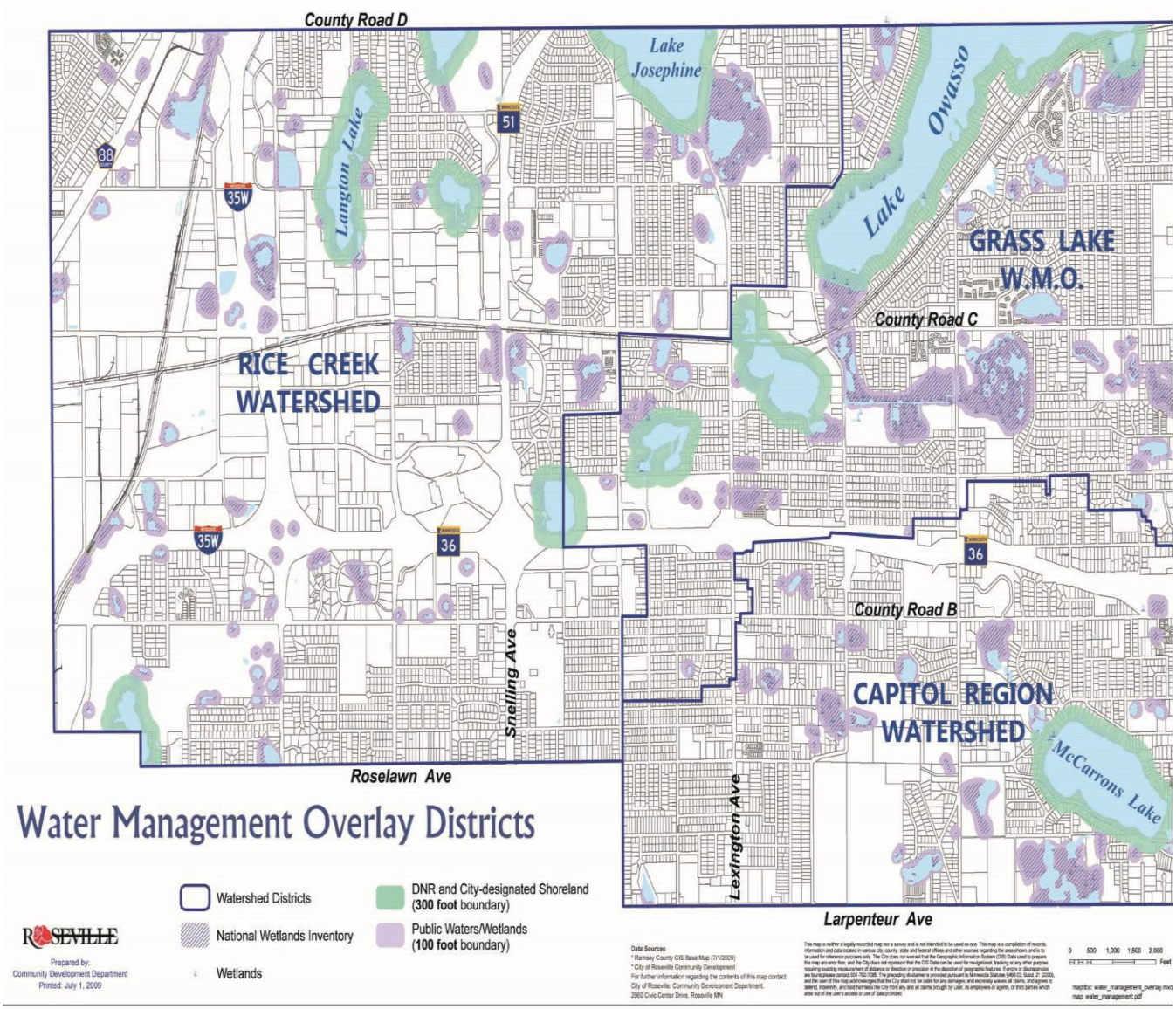
1017.01: SHORT TITLE:

The name of this Chapter shall be THE CITY OF ROSEVILLE SHORELAND, WETLAND, AND STORM WATER MANAGEMENT ORDINANCE. (Ord. 1156, 12-12-94)

(Ord. 1359, 1-28-2008)

1017.02: JURISDICTION:

The provisions of this Chapter shall apply to the shoreland, wetland and storm water management overlay districts and the City in general as each section specifies. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)



(Ord. 1359, 1-28-2008)

1017.03: STATUTORY AUTHORIZATION:

This Shoreland, Wetland and Storm Water Management Chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes chapters 103B, 105, 462 and 497; Minnesota Rules, parts 6120.2500 through 6120.3900; Minnesota Rules chapters 8410 and 8420. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

1017.04: POLICY; STATEMENT OF PURPOSE:

A. Waters and Wetland Policy:

1. The City's Comprehensive Land Use Plan identifies specific goals and policies related to the proper management of its shoreland, lakes, wetlands, water and soil resources.
2. The City recognizes that the uncontrolled use of shorelands, wetlands, and land alteration activities in general in the City affects the public health, safety and general welfare not only by contributing to the pollution of surface and ground waters, but also by impairing the local tax base.
3. Land development and use impact all receiving waters, especially lakes, by contributing to their impairment through point and nonpoint pollution sources.
4. The City has adopted a Surface Water Management Plan that recognizes that its storm water system is integrated with the management of its natural lakes and wetlands.
5. Therefore, the City has determined that it is in the best interests of the public to manage its Comprehensive Plan and Surface Water Management Plan by a consolidated approach with this Chapter to avoid conflict and duplication to the maximum practical extent.

B. Statement of Purpose: to achieve the policies described in the City Comprehensive Plan, State and Federal policies and statutes, the City intends to determine, control and guide future development within and surrounding those land areas which are contiguous to designated bodies of public water and areas of "natural environmental significance" as herein defined and regulated. Specifically, this Chapter purports to:

1. Regulate the placement of sanitary and storm water disposal facilities on lots;
2. Regulate the area of a lot and the length of water frontage suitable for a building site;
3. Regulate alteration of the shorelands and wetlands of public waters;
4. Control natural environment areas of ecological value to maintain existing aquatic, vegetation and wildlife conditions to the maximum extent possible;
5. Regulate the use and subdivision of land within the corporate limits as it relates to public waters, shorelands and storm water;
6. Provide variances from the minimum standards and criteria. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

1017.05: DEFINITIONS:

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and to give this Chapter its most reasonable application. For the purpose of this Chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

ACCESSORY STRUCTURE OR FACILITY: Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks (such as a detached garage).

BLUFF: A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

A. Part or all of the feature is located in a shoreland area;

B. The slope rises at least twenty five (25) feet above the ordinary high water level of the waterbody;

C. The grade of the slope from the toe of the bluff to a point twenty five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater; and

D. The slope must drain toward the waterbody.

BLUFF IMPACT ZONE: A bluff, and, only in shoreland districts, land located thirty (30) feet landward from the top of a bluff.

BOARD OF ADJUSTMENT AND APPEAL: The Roseville City Council and Mayor.

BOATHOUSE: A structure designed and used solely for the storage of water crafts, boats, boating or water craft equipment.

BUILDING LINE: A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

COMMERCIAL USE: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

COMMISSIONER: The Commissioner of the Department of Natural Resources.

CONDITIONAL USE: A "land use" or "development" as defined by City Code that may not be appropriate generally, but may be approved by the City Council with appropriate restrictions as provided by the City Code upon a finding that certain conditions as detailed in the Zoning Ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use, through the imposition of conditions, is compatible with the existing neighborhoods.

CONDITIONAL USE PERMIT: A permit specially and individually granted in accordance with this Code, by the City Council after review thereof by the Planning Commission as a flexibility device to enable the City Council to assign dimensions or conditions to a proposed use, after consideration of the impacts on or functions of adjacent and nearby properties and the special problems that the proposed use presents. DECK: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or

other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.

DOCK: A seasonal water-oriented accessory structure or walkway extended from the ordinary high water level into the bed of public waters for access to open water and anchorage of water craft.

DUPLEX, TRIPLEX AND QUAD: A dwelling structure on a single lot, having two (2), three (3), and four (4) units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

DWELLING SITE: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites. DWELLING UNIT: Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as hotel, and resort rooms and cabins.

EXTRACTIVE USE: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

GAZEBO: A seasonal water-oriented accessory structure used as a detached nonheated shelter. It may have a roof, floor, screen walls, but has no sewer or water service. GUEST COTTAGE: A structure used as a dwelling unit that may contain sleeping spaces and kitchens and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

HARDSHIP: The same as that term is defined in Minnesota Statutes chapter 462 (for municipalities).

HEIGHT OF BUILDING: "Height of building" shall be as defined in the Minnesota State Building Code. It means the vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

INDUSTRIAL USE: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

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

LIFT: A mechanical device used to lift a boat from the water.

LOT: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

LOT WIDTH: The shortest distance between lot lines measured at the midpoint of the building line.

NONCONFORMING USE: A nonconforming use is any use or arrangement of land or structures legally existing prior to the enactment of a Code provision prohibiting such use.

NONCONFORMING USES: Any use of a building or premises which, on the effective date of this Chapter, does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premises is located (also see definition of Substandard Use).

ORDINARY HIGH WATER LEVEL: 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. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

PATIO: An inground surface of paving or wood materials, not attached to the main structure.

PORCH, SCREENED: A seasonal habitable addition to a residential structure, considered part of the structure.

PUBLIC WATERS: Any "waters" as defined in Minnesota statutes, section 103G.005, subdivisions 15 and 18.

SEMIPUBLIC USE: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENSITIVE RESOURCE MANAGEMENT: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK: The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

SEWER SYSTEM: The combination of public and private pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal in a public sewage treatment facility.

SHORE IMPACT ZONE: Land located between the ordinary high water level of public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback. SHORELAND: Land located within 1,000 feet from the ordinary high water level of the lakes classified in section 1017.13 of this chapter. The limits of the shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the MnDNR commissioner. (Ord. 1359, 1-28-2008)

SHORELAND MANAGEMENT DISTRICT: Land located within three hundred (300) feet from the ordinary high water level; or the first tier of riparian lots or the first tier of lots beyond a public street when the street is adjacent to a public water body, whichever is greater, of certain public waters as established by the City Council as established by this code. (Ord. 1405, 2-28-2011)

SIGNIFICANT HISTORIC SITE: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places, is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota statutes, section 307.08. An historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

STEEP SLOPE: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

STORM WATER POND: A manmade pond capable of holding water seasonally or permanently, the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands and natural water bodies.

STRUCTURE: Any building or appurtenance, including attached or detached decks and fences. "Structure" does not include aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, seasonal docks, and other supporting facilities such as at grade driveways and patios.

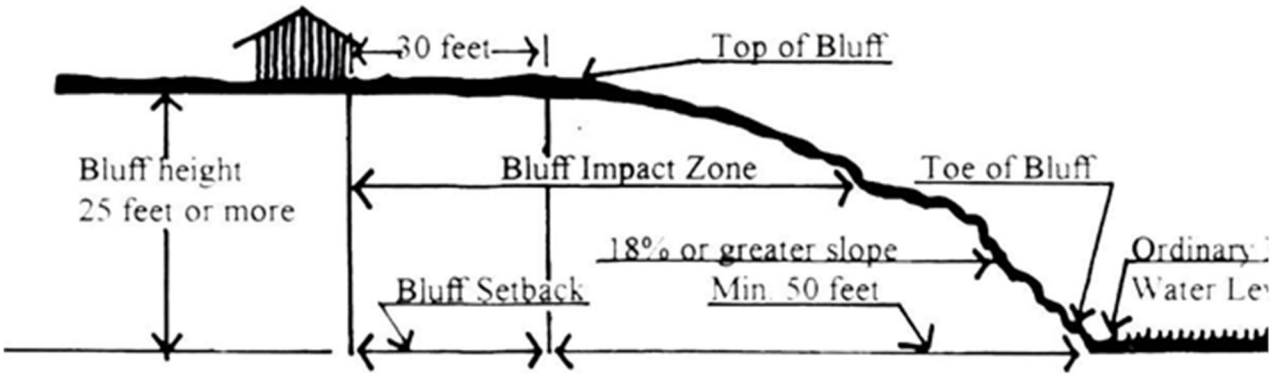
SUBDIVISION: Land that is divided for the purpose of sale, rent, or lease. (Ord. 1405, 2-28-2011)

SUBSTANDARD USE: Any use of shorelands existing prior to the date of enactment of any city ordinance which is permitted within the applicable zoning district, but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

SURFACE WATER ORIENTED COMMERCIAL USE: The use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

TOE OF THE BLUFF: The lower point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%) located in bluff impact zone. See illustration following definition of Top of The Bluff.

TOP OF THE BLUFF: The higher point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%) located in bluff impact zone. See illustration below.



VARIANCE: The same as that term is defined or described in Minnesota statutes, chapter 462 (for municipalities).

WATER ORIENTED ACCESSORY STRUCTURE OR FACILITY: A small, aboveground 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.

WETLAND: A land form that is transitional between "terrestrial" and "aquatic systems" as defined in Minnesota statutes, section 103G.005, subdivision 19.

WETLAND BOUNDARY: The boundary line between what is considered to be upland and wetland using the methodology for delineating wetlands as prescribed in Minnesota statutes, section 103G.2242, subdivision 2. (Ord. 1156, 12-12-1994; amd. Ord. 1270, 9- 23-2002)

(Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.06: ENFORCEMENT COMPLIANCE:

The use of any shoreland of public waters, the size and shape of lots, the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, or dredging of any shoreland area; the cutting of shoreland vegetation and the subdivision of lots shall be in full compliance with the terms of this chapter and other applicable regulations. Construction of buildings, water supply and city utility service systems and erection of signs shall require a permit, unless otherwise expressly excluded by the requirements of this chapter. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.07: DISCLAIMER:

This chapter does not imply that areas outside of the shoreland, wetland and storm water management overland district or land uses permitted within that district will be free from flooding or flood damages. This chapter does not create liability on the part of the city or its officers or employees for any flood damage that may result from reliance on this chapter or any administrative decisions made under it. (Ord. 1156, 12-12-1994)

(Ord. 1359, 1-28-2008)

1017.08: INTERPRETATION:

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes. (Ord. 1156, 12-12-1994)

(Ord. 1359, 1-28-2008)

1017.09: SEVERABILITY:

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.10: ABROGATION AND GREATER RESTRICTIONS:

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.11: ADMINISTRATION:

A. Enforcement: The Community Development Department is responsible for the overall administration and enforcement of this chapter. Any violation of the provisions of this chapter, the provisions of any permit issued in accordance with this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be "punishable" as defined by law or as otherwise provided in this code.

B. Permits Required:

1. In addition to any permit requirements of an underlying district or specific shoreland or waterfront improvements, permits are required for the construction of retaining walls, driveways, parking lots, patios, fences, water related accessory structures, watercraft accessory devices and signs within the building setback area from the ordinary high water mark. Application for a permit shall be made to the Community Development Department on the forms provided. The application shall include the necessary information including visual displays, soil, slope and vegetation protection plans so that city staff can determine the site's suitability for the intended use.

2. All permits within this chapter must specify a termination date, not to exceed 12 months from the date of issuance. A permit may be determined to be null and void by the Community Development Department if it is determined after issuance that false supporting information was filed with the permit application. As part of any such determination, the Director may issue a stop work order, post the same on site, send a copy by certified mail to the permittee and determine what other enforcement action is necessary.

C. Certificate of Zoning Compliance: The Community Development Department shall issue a certificate of zoning compliance for each activity requiring a permit as specified in this chapter. This certificate shall specify that the use of land conforms to the requirements of this Chapter. (Ord. 1156, 12-12-1994)

(Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.12: WATER MANAGEMENT OVERLAY DISTRICTS:

A. Creation: The Water Management Overlay District hereby created and is divided into the following subdistricts as shown on the Official Zoning Map or an attachment thereto: the Shoreland District, the Wetland Protection District, and the Storm Water District.

1. Shoreland District: All land meeting the definition of shoreland adjacent to the public waters listed in Section 1017.13 of this Chapter. (Ord. 1359, 1-28-2008)

2. Wetland Protection District: All upland within one hundred (100) feet of the wetland boundary of wetlands and those public waters not specifically listed as shoreland.

3. Storm Water District: All land either within one hundred (100) feet of the normal water level of constructed storm water ponds or wetlands managed for storm water quantity and quality management purposes, or all land below the 100-year flood elevation of such ponds or wetlands, whichever is most restrictive.

B. Official Zoning Map: The amended Official Zoning Map, with Water Management Overlay Districts, is hereby adopted by reference and declared to be a part of this Chapter.

C. Maintenance of Records: Said Official Zoning Map shall be on file in the office of the Community Development Department. The Community Development Department shall maintain the necessary records to maintain and display the Official Zoning Map as amended. (Ord. 1405, 2-28-2011)

D. Boundaries: The boundaries of the overlay districts as shown on the Official Zoning Map are considered to be approximate and must be established on the ground at the time of any application for permit, variance, conditional use or subdivision of land. (Ord. 1405, 2-28-2011)

E. Allowable Land Uses: The existing zoning on the site shall specify the allowable land uses but all such uses must additionally comply with any more restrictive standards and criteria of this Chapter.

F. Private Sewer Systems Prohibited: Individual on-site sewage treatment systems are prohibited in all Water Management Overlay Districts. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.13: SHORELAND CLASSIFICATIONS:

The following public waters of the City have been classified either consistent with the criteria found in Minnesota Regulations, part 6120.3300, and the Protected Waters Inventory Map for Ramsey County, Minnesota, or classified by the City when no classification was available from the Minnesota Department of Natural Resources. The "shoreland area" for the water bodies listed in the table below shall be as defined in this Chapter and shown on the Official Zoning Map. "Wetland protection areas" shall be as defined in subsection 1017.12A2 of this Chapter. "Storm water protection areas" shall be as defined in subsection 1017.12A3 of this Chapter. (Ord. 1156, 12-12-1994)

Shoreland Classification Table			
	Lake Name	MnDNR ID#	Classification
MnDNR Designated Shoreland:	Lake Josephine	57P	GD
	Lake Owasso	56P	GD
	Little Lake Johanna	58P	RD
	North Bennett	207P	GD

Shoreland Classification Table			
	Lake Name	MnDNR ID#	Classification
	McCarrons	54P	
City Designate Shoreland:	Langton Lake	49P	GD
	Zimmerman Lake	53W	GD
	Bennett Lake	48W	GD
	Walsh Lake	214W	GD
	Willow Lake	210W	GD
	Oasis Pond	205W	GD
GD=General Development RD=Recreational Development			

(Ord. 1156, 12-12-1994; amd. Ord. 1216, 12-14-1998) (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.14: WATER MANAGEMENT OVERLAY DISTRICT LOT STANDARDS:

A. Additional Standards: The following development standards are in addition to any standards that apply specifically to the underlying zoning district. Where there is conflict between the underlying and overlying district standards, the most restrictive shall apply.

B. Lot Area and Width Standards: The lot area (in square feet) and lot width standards (in feet) for single and duplex housing on residential lots created after the date of enactment of this Chapter for the lake classifications are the following:

1. Shoreland Overlay District Lot Standards:

	Recreation Development Lakes				General Development Lakes			
Underlying Zones	Riparian Lots		Nonriparian Lots		Riparian Lots		Nonriparian Lots	
	Area*	Width*	Area*	Width*	Area*	Width*	Area*	Width*
R-1 (Single Family)	15,000	100	11,000	85	15,000	100	11,000	85

R-2 (Duplex)	35,000	135	26,000	135	26,000	135	17,500	135
* Area means land above the normal ordinary high water level. (Ord. 1405, 2-28-2011)								

2. Wetland Overlay District Lot Standards: The minimum lot area, width and depth requirements of the underlying land use zoning district within this code shall apply provided that not more than 25% of the lot area may be included in any wetland area to meet the minimum lot area dimension.

3. Storm Water Overlay District Lot Standards: The minimum lot area, width and depth requirements of the underlying land use zoning district within this code shall apply provided that not more than 25% of the lot area may be included in any storm pond or wetland area (which is below the normal level of the adjacent storm water pond) to meet the minimum lot area dimension. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.15: ADDITIONAL LOT DIMENSION REQUIREMENTS:

A. Dwelling Unit Densities: Only land above the ordinary high water level of public waters may be used to meet lot area standards. Lot width standards shall be met at both the ordinary high water level and at the building line. Not more than 25% of the lot area of each lot may be included in any wetland, which is below the normal ordinary high water level. (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

B. Controlled Accesses: Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions shall be allowed only a conditional use and shall meet or exceed the following standards: (Ord. 1405, 2-28-2011)

1. They shall be suitable in terms of physical access and potential slope erosion and vegetation damage for the intended uses of controlled access lots;

2. They shall have a specific lot size not less than 170 feet (two 85-foot wide lots combined);

3. They shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and

4. Covenants or other equally effective legal instruments shall be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants shall limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and shall require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They shall also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. (Ord. 1156, 12-12-1994)

1017.16: STRUCTURE DESIGN STANDARDS:

A. Placement of Structures on Lots: When more than one setback applies to a site, structures and facilities shall be located to meet the most restrictive setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the average setback of adjoining structures from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

STRUCTURE SETBACKS FROM WATER BODY				
Type of Water Body	Structure Setback from Water Body	Structure Setback from Bluff	Roads, Driveway, Parking and Other Impervious Surface or Setback	Maximum Bldg/Structure Height [4]
MnDNR and City Public Waters	75 Ft [1, 3]	30 Ft.	30 Ft.[5]	30 Ft.
Wetland	50 Ft. [2, 3]	Not Applicable	30 Ft. [5]	30 Ft.
Storm Pond	10 Ft. [2, 3]	Not Applicable	10 Ft.	30 Ft.

1. Setback is measured from the normal ordinary high water level.

2. Setback is measured from the wetland or pond boundary.

3. One water- oriented accessory structure designed in accordance with subsection1017.17C of this chapter may be set back a minimum distance of 10 feet from the ordinary high water level.

4. See subsection1017.17G of this chapter.

5. A 30 foot setback from road or parking surfaces may include a combination of land within rights of way and adjacent to the right of way, as well as curb and gutter controlling runoff and sediment to a storm pond. Pedestrian trails shall be exempt from setback requirements.

All other structure setback requirements shall be as stated in the underlying zoning district for each parcel.

(Ord. 1405, 2-28-2011)

B. Additional Structure Standards for All Districts:

1. Bluff Impact Zones: Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

2. Commercial Or Industrial Land Uses: Commercial or industrial land uses without water oriented uses shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, the principal structure, accessory buildings and parking areas, shall either be set back 150 feet from the ordinary high water level or be set back one hundred (100) feet and be 50% screened by opaque vegetation from view from the water by vegetation or topography, assuming summer, leaf-on conditions. (Ord. 1156, 12-12-1994)

3. Fences:

   a. In bluff impact, shoreland, and wetland zones, fences shall be set back the same distance from the shoreline as required for the principal structure or attached deck on the lot, except that a fence on a lot with a preexisting principal structure and attached deck may extend to the same setback as the deck or the structure. Fences shall be of similar design, texture, and color as the principal structure or shall be of an earth tone or color and material.

   b. Fences used for safety or containment may be set within 25 feet of the OHWL. Such fences shall be a maximum of 25% opaque, and no more than 42 inches in height. Such fences shall be clad in earth tone coatings.

   c. With the exception of regulations in this subsection, fences in bluff impact, shoreland, and wetland zones shall meet all height and setback requirements of section 1011.08 of this title. Fences placed on the road side of a lot with water or wetland frontage shall comply with front yard fence requirements of section 1011.08 of this title. (Ord. 1270, 9-23-2002) (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.17: GENERAL DESIGN CRITERIA FOR STRUCTURES:

A. Low Floor Elevations: All habitable structures constructed within the overlay district shall be built with their lowest floor, including basement, no lower than the following elevation criteria, whichever provides the greater degree of protection as determined by the city engineer:

   1. Two feet above the 100-year flood elevation, if known; or

   2. At least three feet above the highest known water level, or three 3 feet above the ordinary high water level, whichever is higher; or

   3. At least three 3 feet above the "wetland boundary" as defined in Section 1017.05 of this Chapter. The City Engineer shall develop and maintain a list of elevations of known 100-year flood levels, ordinary high water levels, highest known water levels and wetland boundary levels as they become available through special studies or the Minnesota Department of Natural Resources.

B. Low Floor Elevations Exceptions: A variance may be granted from the elevation requirements specified in subsection A above only where a hardship is determined and provided the structure is flood-proofed according to State and Federal standards for floodplain areas. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in subsection A if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

C. Permitted Water-Oriented Accessory Structures: Each lot may have one water-oriented non-habitable accessory structure not meeting the normal structure setback in subsection 1017.16A of this Chapter if this water-oriented accessory structure complies with the following provisions:

1. Water oriented accessory structure dimensional requirements:

a. Maximum floor area:	250 square feet
b. Maximum width as viewed from water:	12 feet
c. Maximum height:	10 feet
d. Setback from ordinary high water:	*
e. Boathouse setback from ordinary high water level:	10 feet**
f. Side yard setback from property line:	20 feet
g. Detached deck height above grade:	8 feet

* 50% of distance between ordinary high water mark and the structure setback from the water.

** Also permitted for docks, and off-season storage of ice fishing houses and docks.

2. The structure or facility shall be constructed of material architecturally similar in design, texture, and color to the principal structure on the lot; the design shall be reviewed by the City Planner prior to issuance of building permits.

3. The structure shall be screened a minimum of 50% by opaque vegetation or topography on the three walls seen from the lake with ecologically suited landscaping landward of the ordinary high water level from the lake.

4. The roof shall not be used as a deck or used as a storage area.

5. The structure or facility shall not be designed or used for human habitation and shall not contain utility systems.

D. Stairways, Chair Lifts, and Stair and Deck Landings: Stairways and chair lifts shall be used for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:

1. Stairways and chair lifts shall not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, and public open-space recreational properties; (Ord. 1405, 2-28-2011)

2. Stair and deck landings for stairways and chair lifts on residential lots shall not exceed 48 square feet in area. Landings larger than 48 square feet may be used for commercial properties, and public open-space recreational properties; (Ord. 1405, 2-28-2011)

3. Canopies or roofs shall not be permitted on stairways, chair lifts, or stair or deck landings;

4. Stairways, chair lifts, and stair or deck landings shall be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

5. 5. Stairways, chair lifts, and stair or deck landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

6. Facilities such as ramps, chair lifts, or mobility paths for physically handicapped persons shall be permitted for achieving access to shore areas, provided that the dimensional and performance standards of subsections 1 through 5 are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.

E. Significant Historic Sites: No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

F. Steep Slopes, Visibility and Erosion: The Public Works and Community Development Directors shall evaluate possible soil erosion impacts and development visibility from public waters prior to issuance of a permit for construction of roads, driveways, structures, or other improvements on steep slopes. An erosion and sedimentation control plan shall be prepared as required by Section 803.04: Erosion and Sedimentation Control. When necessary, conditions shall be attached to the permit to preserve existing vegetation, screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)

G. Height of Structures: All structures in residential districts, except steeples and chimneys from churches and institutional uses, shall not exceed 30 feet in height.

H. Placement and Design of Roads, Driveways, and Parking Areas:

1. Public and private roads and parking areas shall be designed to utilize natural vegetation and topography to achieve maximum screening from view of public waters. The Public Works Director shall review all roads and parking areas to ensure they are designed and constructed to minimize and control erosion, consistent with Section 803.04: Erosion and Sedimentation Control. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)

2. Roads, driveways, and parking areas shall meet structure setbacks outlined in subsection 1017.16A and shall not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.

3. Public and private watercraft, canoe rack storage, access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subsection are met. For private facilities, the grading and filling provisions of Section1017.25 of this Chapter shall be met. (Ord. 1156, 12-12-94)

(Ord. 1359, 1-28-2008)

1017.18: DESIGN CRITERIA FOR COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC USES:

A. Uses With Water-Oriented Needs: Surface water-oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet

impervious coverage limits, setbacks, and other zoning standards in this Chapter. The uses shall also be designed to incorporate topographic and vegetative screening of parking areas and structures.

B. Uses Without Water-Oriented Needs: Uses and surface parking without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must be set back double the normal ordinary high water level setback and shall be screened by fifty percent (50%) opaque or more screen from view from the water by vegetation or topography, assuming summer, leaf- on conditions. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

1017.19: NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES:

A. Notice of Public Hearings: Copies of all notices of any public hearings to consider variances, ordinance amendments, or conditional uses affecting a MnDNR designated shoreland district shall be sent to the MnDNR, Division of Waters Regional Hydrologist and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.

B. Notice of Approval: A copy of approved amendments and subdivisions/plats, and final decisions granting variances, or conditional uses in a MnDNR designated shoreland district shall be sent to the MnDNR, Division of Waters Regional Hydrologist and postmarked within ten (10) days of final action. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

(Ord. 1405, 2-28-2011)

1017.20: VARIANCES:

A. Procedure: Variances in these overlay districts may only be granted in accordance with Minnesota Statutes, Chapter 462 and Section 1009.04 of this Title. A variance shall not circumvent the general purposes and intent of this Chapter. No variance shall be granted for a use that is prohibited within the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest.

B. Notice of Approval: When a variance is approved in a MnDNR designated shoreland district after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in subsection 1017.19B shall also include the official summary of the public record/testimony, the findings of facts, and conclusions which supported the issuance of the variance. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.21: CONDITIONAL USES:

Conditional uses allowable within shoreland areas shall be subject to all of the review and approval procedures of this Section 1009.02 of this Title. The following additional evaluation criteria and conditions apply within shoreland areas:

A. Evaluation Criteria: A thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions on the site shall be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

2. The visibility of structures and other facilities as viewed from public waters is limited;
3. The types, uses, and numbers of watercraft that the project will generate can be safely accommodated on the site;
4. The impact the proposed use may have on the water quality of the water body is not excessive.

B. Conditions Attached to Conditional Use Approvals: The City Council, upon consideration of the criteria listed above and the purposes of this Chapter may attach such conditions to Conditional Use approvals as it deems necessary. Such conditions may include, but are not limited to, the following:

1. Increased setbacks from the ordinary high water level;
2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
3. Special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas. (Ord. 1156, 12-12-94)

(Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.22: NONCONFORMITIES:

All legally established nonconformities as of the date of this Code amendment may continue, but they shall be managed according to applicable State statutes and the requirements of Section 1002.04 of this Title for the subjects of alterations and additions, repair after damage, discontinuance of use and intensification of use. (Ord. 1405, 2-28-2011) The following standards apply to nonconforming lots and uses in the shoreland management areas:

A. Construction on Nonconforming Lots of Record:

1. Lots of record in the office on the County Recorder on the date of enactment of the City shoreland controls (March 27, 1974) that do not meet the requirements of this Chapter may be allowed as building sites without variances from lot size requirements provided; the use is permitted in the zoning district; all sanitary requirements of the City Code are complied with insofar as practical; and the minimum lot size and length of water frontage shall be not less than seventy percent (70%) of standard lot water frontage requirements; the lot has been in separate ownership from abutting lands since the original adoption of the City shoreland controls (March 27, 1974).
2. A variance from setback requirements shall be obtained before any use or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider, in addition to the requirements of Section 1017.20, public utilities available to the lot and shall deny the variance if adequate facilities cannot be provided. (Ord. 1359, 1-28-2008)
3. If, in a group of two or more contiguous lots under one ownership since the original adoption of the City shoreland controls (March 27, 1974), any individual lot does not meet the requirements of Section 1017.17, the lot shall not be considered as a separate parcel of land for the purposes of development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Sections 1017.14 through 1017.16 of this Chapter. (Ord. 1359, 1-28-2008)

B. Additions/Expansions to Nonconforming Structures: All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 1017.14 through 1017.16. Any deviation from these requirements may only be authorized by a variance pursuant to Section 1017.20.

C. Deck Additions: Deck additions may be allowed, without a variance, to a structure which does not meet the required setback from the ordinary high water level, if all of the following criteria and standards are met:

1. The structure existed prior to the date the City's original shoreland structure setbacks were established on March 27, 1974.

2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.

3. The new deck encroachment toward the ordinary high water level does not exceed 15% of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and the deck shall be constructed of materials similar to the materials of the principal structure, wood, or earth tone; and the new deck shall not be roofed or screened.

D. Existing Decks: Existing decks, at the date of adoption of this Chapter, which meet the required setbacks and have had valid building permits, may be enclosed as part of the structure. Deck extensions beyond and from a nonconforming, enclosed deck which would increase the nonconforming setback, shall not be permitted. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

1017.23: SUBDIVISION/PLATTING PROVISIONS:

A. Land Suitability: Each lot created through subdivision shall be suitable for the proposed use as defined by the suitability analysis. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, availability of City sewer and water, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. (Ord. 1405, 2-28-2011)

B. Consistency With Other Controls: Subdivisions shall conform to all official controls of this community. A subdivision shall not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. Each lot shall meet the minimum lot size and dimensional requirements of Sections 1017.14 through 1017.16.

C. Information Requirements: Sufficient information shall be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:

1. Topographic contours at two (2) foot intervals or less from City public works maps or more accurate sources, showing limiting site characteristics;

2. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

3. Adequate soil information to determine suitability for building and public utilities for every lot from the most current existing sources or from field investigations such as soil borings or other methods;

4. Information regarding adequacy of domestic City water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion, both during and after construction activities;

5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

6. A line or contour representing ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

D. Dedications: When an on-site storm water ponding area is required by a project to store surface water runoff, the City may require easements over natural drainage or ponding areas for future maintenance of storm water and significant wetlands.

E. Platting: All subdivisions that create three or more lots or parcels that are two and one- half acres or less in size shall be processed as a plat in accordance with City Subdivision Regulations[1]. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

1017.24: PLANNED UNIT DEVELOPMENT REQUIREMENTS -REPEALED (ORD. 1405, 2-28-2011)

1017.25: GRADING, FILLING AND LAND ALTERATION - REPEALED (ORD. 1557, 6-18-2018)

1017.26: STORM WATER MANAGEMENT:

The following general and specific standards shall apply to all developments within the city:

A. General Standards:

1. Existing Natural Drainageways: When possible, existing natural drainageways, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

2. Minimum Disturbance: Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay

[1] Title 11 of this Code.

runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

3. Constructed Facilities: When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

B. Specific Standards:

1. Impervious Surface Coverage: Impervious surface coverage of a site shall not exceed 25% of the site area in a shoreland or wetland overlay district unless storm water is conveyed to an approved, on-site or regional storm water ponding/retention facility designed to accommodate the increased runoff prior to discharge from the site into public waters or wetlands.

2. Review by City Engineer: All proposed storm water facilities shall be reviewed by the city engineer and certified for compliance with the city's surface water management plan, National Urban Runoff Program (NURP) standards, the Minnesota Pollution Control Agency's (MPCA) Urban Best Management Practices, and any established standards of the water management organization having jurisdiction in the project area.

3. Commercial, Industrial, and Residential Development Affectation: All commercial and industrial developments and redevelopments affecting more than five acres of land and all residential developments affecting more than five 5 acres of land shall:

   a. Be served by storm water ponding facilities, on- or off-site, designed to remove a minimum of 90% of total suspended solids resulting from the runoff from a one inch rainfall event, and

   b. Within the development, provide for settling chambers, sumps, dry ponds or other devices to provide for the filtering or settling of fine sands prior to discharge into the city's storm water system.

4. Private Storm Water Facilities: All private storm water facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of on a five year interval. One to five year waivers from this requirement may be granted by the city engineer when the owner presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity.

5. Inventory of Private Storm Water Facilities: Upon adoption of this chapter, the city engineer shall inventory and maintain a data base for all private storm water facilities requiring maintenance to assure compliance with this section. (Ord. 1239, 4-24-2000) (Ord. 1359, 1-28-2008)

1017.27: AMENDMENT:

This chapter may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in Section 1009.06 of this Code.

5533 (Ord. 1405, 2-28-2011)

5534

CHAPTER 1018 EROSION AND SEDIMENTATION CONTROL

Chapter 1018 deleted 9-26-2011

See Section 803.04 Erosion and Sedimentation Control

(Ord. 1416, 9-26-2011)

CHAPTER 1019 PARKING AND LOADING AREAS

SECTION:

1019.01: Statement of Purpose
1019.02: Applicability
1019.03: Exempted Improvements
1019.04: Minimum Parking Requirements
1019.05: Reductions to Minimum Requirements
1019.06: Parking Area Maximums
1019.07: Shared Parking
1019.08: Proof of Parking
1019.09: Parking Area Use
1019.10: Bonuses
1019.11: Design Requirements
1019.12: Maintenance
1019.13: Bicycle Parking
1019.14: Pedestrian Circulation and Access Area
1019.15: Off-street Loading Facilities

1019.01: STATEMENT OF PURPOSE

The purpose of regulating off-street parking, paved areas, and loading spaces is to prevent congestion on public rights-of-way for the safety and welfare of the public. The regulations are created through analysis of the associated land use intensity, duration, time, and style, and result in design requirements and standards for such facilities.

(Ord. No. 1405, 2-28-2011)

1019.02: APPLICABILITY

No building permit or certificate of occupancy shall be issued for the construction of a new building, the enlargement or increase in the net floor area of an existing building, the development of a use not located in a building, or the change from one type of use to another, unless off-street parking spaces, loading bays, and bicycle parking are provided in accordance with this Code.

1019.03: EXEMPTED IMPROVEMENTS

If undertaking improvements to an existing parking area, the following improvements are exempt from this section:

A. Seal coating or surface treatment (e.g. mill and overlay) of a parking area; or

5571 B. Patching or repair to less than 25% of the parking area surface.

5572 **1019.04: MINIMUM PARKING REQUIREMENTS**

5573 A. Parking space requirements are established in Table 1019-1. For uses not listed, the off- street parking
5574 requirements shall be established by the Community Development Department based upon the
5575 characteristics and functional similarities between uses including, but not limited to: the size of
5576 building, type of use, number of employees, expected volume and turnover of customer traffic, and
5577 expected frequency and number of delivery or service vehicles. For structures containing multiple
5578 uses, parking shall be calculated separately for each use.

5579 B. Required parking spaces shall be located on the same lot as the principal use, unless shared parking or
5580 off-site parking is approved for the use.

5581 C. The number provided for required parking spaces in Table 1019-1 shall be the minimum requirement.
5582 For those uses that the minimum parking is calculated on a use per square foot, the total gross floor
5583 area will be applied.

Table 1019-1: Minimum Parking Standards

Use	Minimum Standard
Residential, single-family dwelling	2 spaces per dwelling unit, 1 space must be enclosed.
Residential, two-family dwelling	2 spaces per dwelling unit, 1 must be enclosed.
Residential, multi-family dwelling	1 space per bedroom plus .25 spaces per every 1 unit for visitor parking.
Cluster housing	2 spaces per dwelling unit, 1 space must be enclosed
Senior housing	1 enclosed space per dwelling unit plus .25 space per unit for visitor parking
Adult day care	1 space per each employee plus 1 space per each 10 program participants, based on maximum participant capacity of the facility.
Group day care, nursery school	1 space per employee plus 1 space per each 10 program participants, based on maximum participant capacity of the facility.
Medical or dental office	1 space per 250 sq. ft. of gfa, but not fewer than 5 spaces

Table 1019-1: Minimum Parking Standards	
Assisted living	1 space per employee plus 1 space per 4 beds or dwelling unit, whichever is greater
Nursing home	1 space per 4 beds at designed capacity
Community center	Parking requirement shall be based upon uses within the building
Libraries, museums, art	1 space per 300 sq. ft. gfa of principal structure
Places of public assembly or religious institutions	1 space per each 4 seats at maximum capacity of assembly hall. A single seat on a bench is equal to 28”.
Elementary and junior high schools	2 spaces per each classroom or 1 space for each 5 seats in the primary assembly area, whichever is greater
High school and post-secondary schools	1 space per each 4 students based on building capacity, plus one space for each two classrooms.
Animal hospitals and veterinarians	1 space per each 250 sq. ft. gfa, but not fewer than 5 spaces.
Bank	1 space per each 300 sq. ft. gfa
Catering	1 space per each 500 sq. ft. gfa
Coffee shop	1 space per each 200 sq. ft. gfa
Convention or exhibit halls	1 space per each 4 occupants at maximum designed capacity.
Food service or bakeries	1 space per 25 sq. ft. customer floor area.
Lodging (e.g. hotel, motel, or inn)	1 space per each guest room plus 1 space per 20 guest rooms to accommodate staff parking; plus 75% of the normal space required for accessory uses (e.g. restaurant, banquet space, meeting rooms, etc.)

Table 1019-1: Minimum Parking Standards	
Motor fuel station	3 spaces. Multiple uses shall be calculated separately.
Motor vehicle service	4 spaces per each service bay.
Offices	Less than 50,000 sq. ft. floor area: 1 space per each 250 sq. ft. gfa Between 50,000 sq. ft. floor area and 200,000 sq. ft. floor area: 1 space per each 275 sq. ft. gfa Between 200,000 sq. ft. floor area and 400,000 sq. ft. floor area: 1 space per each 300 sq. gfa Greater than 400,000 sq. ft. floor area: 1 space per each 325 sq. ft. gfa
Open sales or rental lots	1 space per each 2,500 sq. ft. customer service area.
Sport/health club, studio, pool	One space per each 200 sq. ft. non-court area. Two spaces per tennis/racquetball court. One space per each 50 sq. ft. deck area for a swimming pool.
Theater, auditorium, assembly halls	1 space per each 4 seats. A single seat on a bench is equal to 28”.
Restaurants - Drive-through/Fast Food	1 space per each 60 sq. ft. floor area.
Restaurant, sit-down, taprooms, and cocktail rooms	1 space for every 3 seats under maximum designed capacity, 1 space for every 3 seats of an outdoor seating area, and 1 space for each employee at the greatest shift.
Retail store, grocery, and service establishment where > 25% gross floor area is customer area	1 space per each 325 sq. ft. gfa

Table 1019-1: Minimum Parking Standards	
Large merchandise retail (e.g. appliance stores, car sales)	1 space per each 500 sq. ft. gfa
Retail where < 25% gross floor area is customer area	One space per each 100 sq. ft. of customer service area.
Shopping Center	1 space per 325 sq ft. of gfa Grocery stores and theaters shall be calculated separately. Restaurants and food service shall be calculated separately unless the shopping center exceeds 20,000 sq. ft. in size and no wait-staff is present, and the use constitutes less than 25% of the shopping center's floor area.
Manufacturing, fabrication, or processing	1 space per employee on the largest shift
Retail showrooms	1 space per each 500 sq. ft. floor area.
Warehouse	1 space per each 2,000 sq. ft. gfa.

1019.05: REDUCTIONS TO MINIMUM REQUIREMENTS

The off-street parking reductions described in this section may be utilized jointly or separately except as indicated otherwise.

A. Modification Request: An applicant may request a modification of the minimum required number of parking spaces by submitting a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analysis, unless an equally qualified individual is authorized by the Community Development Department.

B. Transit Service: Parking may be reduced by 10% for any parcel located within one-quarter of a mile of a transit stop. To qualify, the transit stop must be served by regular transit service on all days of the week and adequate pedestrian access must be available between the transit stop and the parcel. Regular transit service shall operate at least twice hourly between 7:30 a.m. and 6:30 p.m. on weekdays and once hourly after 6:30 p.m. Regular transit service shall operate on Saturdays, Sundays, and holidays.

C. On-Street Parking: Parking may be reduced on a one-for-one basis through the use of on-street parking adjacent to the parcel. To qualify, adequate pedestrian access must be available between the principal structure and all on-street parking spaces. On-street parking reductions may be approved by the Community Development Department, subject to a determination by the City Engineer that

adequate off-street parking will be available to accommodate vehicles during snow removal and other periods of parking restrictions.

D. Travel Demand Management: In those instances where no transit or on-street parking reductions are available, parking minimums may be reduced by 5% through the implementation of a travel demand management plan. Such a plan shall be filed with and approved by the Community Development Department and may be subject to an annual review.

1019.06: PARKING AREA MAXIMUMS

The maximum number of parking spaces for any building or use shall not exceed the amount determined in this section.

A. Minimum parking requirement of 20 or fewer spaces shall not have more than 175% of the number of spaces identified in Table 1019-1.

B. Minimum parking requirement of more than 20 spaces and less than 51 spaces shall not have more than 150% of the number of spaces identified in Table 1019-1.

C. Minimum parking requirement of 51 spaces or more shall not have more than 125% of the number of spaces required as identified in Table 1019-1.

D. Additional parking may be provided if it does not increase impervious surface area beyond that which would be created by meeting the maximum parking requirement. Examples of additional parking include, but are not limited to, under structure parking, roof top parking, or structured parking above a surface parking lot.

E. An applicant may request a modification of the maximum allowed number of parking spaces by submitting a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analysis, unless the Community Development Department authorizes an equally qualified individual.

1019.07: SHARED PARKING

Shared off-street parking facilities are allowed to collectively provide parking in any district for more than 1 structure or use, subject to the conditions established in this section:

A. The uses must have their highest peak demand for parking at substantially different times of the day or week or an adequate amount of parking shall be available for all uses during shared hours of peak demand. A parking plan shall address the hours, size, and mode of operation of the respective uses.

B. The minimum spaces required under a shared parking plan shall be based on the following:

1. For those uses parking at substantially different times of the day or week, the number of spaces required for the uses that require the most parking; and

2. For those uses parking at the same hours of peak demand, the minimum shall be 1.5 times the number of spaces required by the use(s) that require the most parking.

C. Shared parking facilities shall be protected by a covenant running with the land and recorded with the County in a form approved by the City Attorney. Such a covenant shall not be revoked without

consent of the City. A certified copy of the recorded document shall be provided to the Community Development Department prior to the use of the shared parking arrangement.

1019.08: PROOF OF PARKING

If it is demonstrated that the required minimum parking is in excess of the actual demand, all of the required parking need not be constructed initially. The City Council may grant a Proof of Parking Agreement to the developer. This agreement shall describe the required parking, demonstrate that space exists to comply with the parking requirement, and set conditions for the future construction of the required parking, if necessary. The agreement shall state that the developer or future successors shall be responsible for completing parking improvements to meet City Code requirements. The area of future parking shall be landscaped, but that landscaping shall not be used to satisfy landscaping requirements.

1019.09: PARKING AREA USE

Required parking spaces and the driveways providing access to them shall not be utilized for the following:

A. Storage of unlicensed or inoperable motor vehicles, other goods, or snow;

B. Display, sales, rental, or repair of motor vehicles;

C. Permanent display and sales goods; temporary or seasonal display and sale of goods shall be allowed pursuant to Section 1011.12 of the City Code;

D. Loading and unloading of vehicles; and

E. Living space, unless required parking spaces are provided elsewhere.

1019.10: BONUSES

If 50% or more of all required off-street parking spaces are provided via above- or under- ground structured parking, the following bonuses shall apply:

A. For each structured parking space, 300 square feet shall be added as lot area for the purpose of determining allowable density up to a 20% increase.

B. The height added to the principle structure by any floor that is totally used for parking in or under the principle structure shall not be included to determine the size of the required yards.

1019.11: DESIGN REQUIREMENTS

A. Site Plan: All applications for a building permit shall include a site plan, drawn to scale, that depicts the location and arrangement of vehicle parking, curb cuts, driveways, and walkways and to be consistent with the requirements of Chapter 703 of this Code.

B. Access and Location: Parking areas shall have access to a public street. Driveways shall be located to minimize interference with traffic movement, and to be consistent with the requirements of Chapter 703 of this Code.

C. Parking Spaces: Required parking spaces shall be at least 9 feet wide and 18 feet long. Up to 50% of the required spaces may be designated compact spaces. Compact spaces shall be identified through appropriate signage. Unless alternative requirements are designated by the Community Development Department and/or City Engineer, parking spaces shall be served by access drives with minimum dimensions provided as follows:

Table 1019-2: Parking Lot Dimensions

Stall Angle (degrees)	Curb Length (feet)	Vehicle Projection (feet)	Aisle (feet)	Traffic Flow
45	9	22	14	One way
60	9	21	16	One way
75	9	21	18	One way
90	9	18	24	Two way
90 compact	8	16	24	Two way
Parallel	23	8.5	22	

D. Handicapped Parking Spaces: The size, number, and location of stalls reserved for handicapped parking shall be provided and identified as required by applicable regulations. These spaces are included in the computation for the minimum parking space requirement.

E. Turnarounds:

1. All parking areas except those serving one-family and two-family dwellings on local streets shall be designed so that cars do not have to back into the public street.

2. Parking areas for one-family and two-family dwellings with driveway access onto County or State roads shall be designed so that cars do not have to back into the street.

F. Surfacing: All off-street parking areas and driveways shall be constructed of bituminous asphalt, concrete, pavers, or other material approved by the City Engineer.

G. Walkways: Required parking areas for 6 or more vehicles shall have walkways separated from the parking area and surfaced with bituminous asphalt, pavers, or concrete to provide access from parking areas to the entrances of buildings.

H. Drainage: All parking or paved areas shall be adequately served by storm sewer or other approved storm water facilities. Such facilities shall be approved by the City Engineer. (Ord. 1471, 2014-11-10)

I. Curbs: A 6-inch-high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where the City Engineer determines that a curb would impede the drainage plan.

1019.12: MAINTENANCE

All off-street parking areas shall be maintained in good repair.

1019.13: BICYCLE PARKING

A. Bicycle parking is required to provide adequate and safe facilities for the storage of bicycles, to encourage the use of bicycles as an alternative to motor vehicles, and to provide bicycle access to employment, commercial, and other destinations.

B. General Requirements:

1. Bicycle parking may be provided using the following approaches:

    a. Bicycle Racks: Open-air devices to which a bike may be locked, suitable for short-term visitor and customer parking;

    b. Bicycle Lockers: Stand-alone enclosures designed to hold one bicycle per unit, preferred for sites where all-day bicycle parking is common; and/or

    c. Bicycle Lock-ups: Site-built secure enclosures that hold 1 or more bicycles, best for residents' and employees' all-day or long-term bicycle storage.

2. All bicycle racks or lockers must be securely anchored to the ground or building structure; or

3. Bicycle racks or lockers shall be placed on a level, pavement or concrete surface.

C. Location Criteria for Bicycle Racks:

1. Bicycle racks shall be placed near building entrances, generally within 50 feet.

2. Bicycle rack placement should allow for visual monitoring by people within the building and/or people entering the building.

3. Bicycle racks shall be located to avoid conflicts with pedestrians.

4. Bicycle racks shall be at least 24 inches from a wall to which they are parallel and 30 inches from a wall to which they are perpendicular.

D. Number of Required Bicycle Parking Spaces:

1. Bicycle parking spaces equal to 10% of the automobile parking space requirement, but not less than four bicycle parking spaces.

2. Exceptions:

    a. Low-density Residential: No bicycle parking spaces are required.

    b. Schools: Schools shall provide a minimum of 1 bicycle parking space per 10 students.

E. Proof of Bicycle Parking: If it is demonstrated that the required minimum bicycle parking is in excess of the actual demand, all of the required parking need not be constructed initially. The Community Development Department may approve a Proof of Bicycle Parking Plan. This plan shall describe the required bicycle parking, demonstrate that space exists to comply with the bicycle parking requirement, and set conditions for the future construction of the required bicycle parking, if

necessary. The Plan shall state that the developer or future successors shall be responsible for completing bicycle parking improvements to meet City Code requirements.

1019.14: PEDESTRIAN CIRCULATION AND ACCESS

A. Access Points: Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent lots, abutting street intersections, crosswalks, and at transit stops. Pedestrian access shall be coordinated with existing development to provide circulation patterns between developments.

B. Conflicts: Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances, and between buildings.

C. Design Standards: Pedestrian access and walkways shall meet the following minimum design standards:

1. Access and walk walkways shall be well-lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation, or other means to protect pedestrians from vehicular traffic;

2. Access and walkways shall be a minimum of 6 feet of unobstructed width and meet City standards for surfacing of walkways or sidewalks;

3. Access shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture, or other equivalent means; and

4. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles. Raised crosswalks or speed bumps may be required at all points where a walkway crosses the lane of vehicle travel.

1019.15: OFF-STREET LOADING FACILITIES

A. Loading Zones: The off-street loading requirement for nonresidential buildings may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area and access to the loading zone area shall be provided such that it does not conflict with automobile circulation to, from, or within the site.

B. Loading Docks, Berths, and Facilities:

1. Loading Facility: A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.

2. Location:

a. All loading berth curb cuts shall be located 40 feet or more from the intersection of two street rights-of-way.

b. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including

but not limited to schools, religious institutions, and community centers, unless the loading berth is entirely within a building.

c. Loading facilities shall not occupy the required front yard. In situations where access to the loading berth is directly from the street and no other practicable means of access exist, this requirement may be waived by the Community Development Department.

3. Access: Each loading berth location shall permit vehicular access to a street in a manner that will least interfere with traffic.

4. Surfacing: All loading facilities and accessways shall be paved with bituminous or concrete paving to control the dust and drainage.

5. Screening: See Section 1011.03 of the City Code.

C. Accessory Use: No loading berth or access drive shall be used for the storage of goods or inoperable vehicles. **It** may not be included as a part of the space necessary to meet the off-street parking requirements.

(Ord. 1403, 12-13-2010)

CHAPTER 1020 SEXUALLY ORIENTED USES

1020.01: Purpose

1020.02: General Provisions

1020.03: Sexually Oriented Uses - Principal

1020.04: Sexually Oriented Uses - Accessory

1020.01: PURPOSE:

The purpose of this chapter is to establish provisions for the opportunity as well as controls of sexually oriented uses within the city of Roseville. (Ord. 1263, 5-5-2002)

(Ord. 1359, 1-28-2008)

1020.02: GENERAL PROVISIONS:

Sexually oriented uses as defined in this title shall be subject to the following general provisions:

A. Activities classified as obscene as defined by Minnesota statutes, section 617.241 are not permitted and are prohibited.

B. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also used for residential purposes.

C. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also licensed to sell intoxicating liquor, non-intoxicating malt liquor or wine.

D. A sexually oriented use which does not qualify as a sexually oriented use - accessory, shall be classified as a sexually oriented use - principal.

E. See section 1002.02 of this title for definitions of terms relating to this chapter. (Ord. 1263, 5-5-2002)

(Ord. 1359, 1-28-2008)

1020.03: SEXUALLY ORIENTED USES - PRINCIPAL:

A. Sexually oriented uses-principal shall be located at least one thousand three hundred twenty (1,320) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the sexually oriented use - principal is located to the property line of:

1. Another sexually oriented use - principal.
2. Churches.
3. Daycare centers.
4. On-sale or off-sale liquor establishments.
5. Public library.
6. Public or private schools and government office buildings.
7. Public parks and other public recreation facilities.

8. Residentially zoned property.

B. Sexually oriented uses - principal activities, as defined by this title, shall be classified as one use. No two (2) sexually oriented uses - principal shall be located in the same building or upon the same property and each use shall be subject to subsection A of this section.

C. Sexually oriented uses - principal shall, in addition to other sign requirements established by this code or this chapter, also adhere to the following signing regulations:

1. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted.

2. Shall not contain material classified as advertising.

3. Shall comply with the requirements of size and number of the district in which they are located. (Ord. 1263, 5-5-2002)

(Ord. 1359, 1-28-2008)

1020.04: SEXUALLY ORIENTED USES - ACCESSORY:

A. Sexually oriented uses - accessory shall:

1. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located; provided that the maximum floor area used for sexually oriented uses - accessory may not exceed one thousand (1,000) square feet.

2. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation.

3. Not involve or include any activity except the sale or rental of merchandise.

B. Sexually oriented uses - accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:

1. Movie Rentals: Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.

2. Magazines: Publications classified or qualifying as sexually oriented shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

C. Sexually oriented uses - accessory shall be prohibited from both internal and external advertising and signing of sexually oriented materials and products.

D. Sexually oriented uses - accessory activities, including sale or display of instruments, devices or paraphernalia which are used or designed for use in connection with specified sexual activities, shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted. (Ord. 1263, 5-5-2002) (Ord. 1342, 11-13-2006) (Ord. 1359, 1-28-2008)

CHAPTER 1021 FLOODPLAIN REGULATIONS

SECTION:

1021.01: Statutory Authorization, Findings of Fact and Purpose

1021.02: General Provisions

1021.03: Establishment of Zoning Districts

1021.04: Floodway District (FW)

1021.05: Floodfringe District (FF)

1021.06: Procedures for Determining 1% Annual Chance Flood Elevations (100-YR flood elevations) in Zone A

1021.07: Subdivisions

1021.08: Public Utilities, Railroads, and Bridges

1021.09: Placement of Recreation Vehicles

1021.10: Administration

1021.11: Nonconformities

1021.12: Penalties for Violation

1021.13: Amendments

1021.01: STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

A. Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Roseville, Minnesota does ordain as follows:

B. Findings of Fact:

1. The flood hazard areas of the City of Roseville, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

3. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

C. Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section B-1 by provisions contained herein.

1021.02: GENERAL PROVISIONS

A. Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of the City of Roseville shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

B. Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for the Ramsey County, Minnesota (All Jurisdictions); Flood Insurance Rate Map panels therein numbered 27123C0012G, 27123C0015G, 27123C0016G, 27123C0020G, 27123C0036G, 27123C0038G, 27123C0080G, 27123C0085G and 27123C0101G; and the Flood Insurance Rate Map Index (Map Number 27123CIND0B), all dated June 4, 2010 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of Community Development

C. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower 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.

D. Interpretation:

1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

E. Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

F. Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Roseville or any officer or employee

thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

G. Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

H. Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

1. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2. Basement - means 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.

3. Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

    a. Certain conditions as detailed in the zoning ordinance exist.

    b. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

4. Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

5. Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

6. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

7. 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).

8. 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.

9. Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

10. 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.

11. 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.

12. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

13. 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.

14. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

15. 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.

16. Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self- propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

17. Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood", 1- percent annual chance flood or 100-year flood elevation.

18. Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower 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.

19. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 1021.09A1 of this Ordinance and other similar items.

20. Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

21. 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 percent 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:

a. 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.

b. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

22. Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

I. Annexations: The Flood Insurance Rate Map panels adopted by reference into Section B above may include floodplain areas that lie outside of the corporate boundaries of the City of Roseville at the time of adoption of this ordinance. If any of these floodplain land area are annexed into the City of Roseville after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Roseville.

1021.03: ESTABLISHMENT OF ZONING DISTRICTS

A. Districts:

1. Floodway District: The Floodway District shall include those areas designated as Zone AE and Zone A on the Flood Insurance Rate Map panels adopted in Section B that are below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

2. Flood Fringe District: The Flood Fringe District shall include those areas designated as Zone AE and Zone A on the Flood Insurance Rate Map panels adopted in Section B that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14. See Section 1021.06 for procedures to determine the 1% annual chance flood elevation (100-year flood elevation).

B. Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 1021.04 and 1021.05 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

1. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 1021.11.
2. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 1021.10 of this Ordinance.

1021.04: FLOODWAY DISTRICT (FW)

The permitted and conditional uses listed below are only allowable in the floodway if not prohibited by any other underlying zoning district classifications of the City of Roseville and if not prohibited by any applicable state or federal law.

A. Permitted Uses:
   1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, and wild crop harvesting.
   2. Boat launching ramps, swimming areas, parks, wildlife and nature preserves, and fishing areas.
   3. Residential lawns, gardens and play areas.

B. Standards for Floodway Permitted Uses:
   1. The use shall have a low flood damage potential.
   2. The use shall be permissible in the underlying zoning district if one exists.
   3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

C. Conditional Uses:
   1. Extraction and storage of sand, gravel, and other materials.
   2. Marinas, boat rentals, docks, piers, wharves, and water control structures.
   3. Railroads, streets, bridges, utility transmission lines, and pipelines.
   4. Placement of fill.

D. Standards for Floodway Conditional Uses:
   1. All Uses. No fill (including fill for roads and levees), deposit, obstruction, or other use may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
   2. All floodway conditional uses shall be subject to the procedures and standards contained in Section 1021.10D of this Ordinance.
   3. The conditional use shall be permissible in the underlying zoning district if one exists.
   4. Fill:

a. Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

c. As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use must be title registered with the property in the Office of the County Recorder.

5. Storage of Materials and Equipment. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

6. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

1021.05: FLOOD FRINGE DISTRICT (FF)

A. Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District “Permitted Uses” listed in Section 1021.05B.

B. Standards for Flood Fringe Permitted Uses:

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be flood proofed in accordance with the following standards:

a. Accessory structures shall not be designed for human habitation.

b. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code and, for a detached garage, the detached garage must

be used solely for parking of vehicles and limited storage. Flood proofed accessory structures must meet the following additional standards:

i. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

ii. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and

iii. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

3. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

C. Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 1021.05B1-B2 and or any use of land that does not comply with the standards in Section 1021.05B3 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 1021.05D-E and 1021.10D of this Ordinance.

1. Standards for Flood Fringe Conditional Uses:

a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

i. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

ii. Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

A. A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

B. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

b. Basements, as defined by Section 1021.02H2 of this Ordinance, shall be subject to the following:

i. Residential basement construction shall not be allowed below the regulatory flood protection elevation.

ii. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 1021.05C1c of this Ordinance.

c. All areas of non-residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

d. Storage of Materials and Equipment:

i. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

ii. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

e. The provisions of Section 1021.05C2 of this Ordinance shall also apply.

2. Standards for All Flood Fringe Uses:

a. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet)

times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

b. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 1021.05C2a above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

c. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

d. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

e. Standards for recreational vehicles are contained in Section 1021.09A.

f. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

1021.06: PROCEDURES FOR DETERMINING 1% ANNUAL CHANCE FLOOD ELEVATIONS (100-YR FLOOD ELEVATIONS) IN ZONE A

A. Reserved for Future Use

B. Procedures for determining 1% annual chance flood elevations (100-YR flood elevations) in Zone A:

1. Upon receipt of an application for a permit or other approval within a Zone A, the Zoning Administrator will use the 1% annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the Zoning Administrator for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.

2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the 1% annual chance

flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis.

3. Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the Zoning Administrator shall process the permit application consistent with the applicable provisions of Section 1021.04 and 1021.05 of this Ordinance.

1021.07: SUBDIVISIONS

A. Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

B. Procedures for determining 1% annual chance flood elevation (100-YR flood elevation) in Zone A: In a designated Zone-A area, applicants shall provide the information required in Section 1021.06B of this Ordinance to determine the 1% annual chance flood elevation (100-year flood elevation) and the regulatory flood protection elevation for the subdivision site.

C. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 1% annual chance flood elevation (100-year flood elevation). FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi- structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

1021.08: PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

A. Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

B. Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 1021.04 and 1021.05 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a

lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

C. On-Site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

1021.09: PLACEMENT OF RECREATIONAL VEHICLES.

A. Recreational vehicles that do not meet the exemption criteria specified in Section 1021.09A1 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 1021.09A3 and A4 below.

1. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 1021.09A2 below and further they meet the following criteria:

    a. Have current licenses required for highway use.

    b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.

    c. The recreational vehicle and associated use must be permissible in any pre- existing, underlying zoning use district.

2. Areas Exempted For Placement of Recreational Vehicles:

    a. Individual lots or parcels of record.

    b. Existing commercial recreational vehicle parks or campgrounds.

    c. Existing condominium type associations.

3. Recreational vehicles exempted in Section 1021.09A1 lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the recreational vehicle or exceeding $500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 1021.04 and 1021.05 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

4. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

    a. All new or replacement vehicles and related contents that are not elevated above the regulatory flood protection elevation or are not placed over properly elevated road access in the Floodway or Flood Fringe District, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 1021.10D of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 1021.09A1 (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 1021.08C of this Ordinance.

1021.10: ADMINISTRATION

A. Community Development Department: The Community Development Department shall administer and enforce this Ordinance. If the Community Development Department finds a violation of the provisions of this Ordinance the Community Development Department shall notify the person responsible for such violation in accordance with the procedures stated in Section 1021.12 of the Ordinance.

B. Permit Requirements:

1. Permit Required. A Permit issued by the Community Development Department in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

2. Application for Permit. Application for a permit shall be made in duplicate to the Community Development Department and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

3. State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Community Development Department shall determine that the applicant has obtained all necessary state and federal permits.

4. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof

hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Community Development Department stating that the use of the building or land conforms to the requirements of this Ordinance.

5. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 1021.12 of this Ordinance.

6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

7. Record of First Floor Elevation. The Community Development Department shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Community Development Department shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

8. Notifications for Watercourse Alterations. The Community Development Department shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

9. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Community Development Department shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

C. Variance Board:

1. Overview: Variance applications will be reviewed by City staff and discussed in a public hearing by the Variance Board, which meets on the first Wednesday of each month, as necessary. Minnesota State Law requires that a decision be issued for each application within 60 days of the application submission date. Sixty-day extensions may be obtained if more time is needed to resolve outstanding issues.

2. Application Deadline: Applications must be received by the close-of-business on the first Friday of each month; applications received after this date cannot be heard at the Variance Board

meeting of the following month. The Variance process takes about 6 weeks from the application deadline.

3. Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.

4. Initial Review: Applications will be reviewed for completeness by Community Development Department staff, and a determination of completeness will be provided to the applicant in the form of a letter within about 10 days of the application submittal date. A letter in response to an *incomplete* application will identify the materials that are needed in order to complete the application; once all of the outstanding application materials are received, the 60-day action timeline will restart. A letter in response to a complete application will outline the schedule for the formal review and approval process described below.

5. Formal Review: Variance applications may be discussed by a panel of City staff representing various departments. The members of this panel will address points of concern based on their respective professional experience; a summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the Variance Board.

6. Staff Report: Community Development staff will prepare a report summarizing the application, reviewing it against the City's Codes, Ordinances, and policies, and providing a recommendation for the Variance Board. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the Variance Board meeting.

7. Notice of Public Hearing:

    a. Published and Mailed Notices: Minnesota State Law requires published notice in a City's legal newspaper a minimum of ten (10) days prior to a public hearing. City policy further requires that notices be mailed to property owners within 500 feet of the affected property. Both of these notices are prepared and sent by the City of Roseville. A copy of the proposed variance application shall be mailed sufficiently in advance so that the Commissioner of Natural Resources will receive at least 10-days' notice of the public hearing.

    b. Posted Signs: Variance applications also require a "Notice of Land Use Application" sign to be posted on the subject property by the applicant/property owner at least ten (10) days prior to the date of the public hearing; larger sites may require additional signs. These signs may be obtained at the Community Development counter in City Hall; to ensure that it is ready, please call 651-792-7005 to arrange a time to pick up the sign.

8. Variance Board Meeting: Applicants are encouraged to attend and participate in the public hearing in order to respond to questions from the Variance Board and/or members of the public. The public hearing will be held in the City Hall Council Chambers, which is equipped to display drawings, photographs, video, or other proposed variance application. Because the hearing will be televised and recorded, applicants should be prepared to speak into the microphone at the presentation table.

9. At the Public Hearing: The Variance Board Chairperson will call the meeting to order at the appointed time, Commissioners and representatives of the City in attendance will be introduced,

and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Chairperson will introduce the application and City staff will review the issues and recommendations detailed in the staff report. Members of the Variance Board may ask questions about the application to be answered by City staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chairperson will close the public hearing, and the Board Members will discuss the application and take action.

10. Variance Board Action: The Variance Board has the authority to approve or deny an application and its decision is final. The Variance Board will provide the rationale for its decision and adopt a motion approving or denying the variance request. If the decision is not appealed within the time allowed, the variance becomes effective, and any necessary building permits may be issued; at this time the Variance Board resolution will be sent to Ramsey County to be recorded against the property. The Variance Board decision shall not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. A copy of all decisions granting variances shall be forwarded to the Commissioner of Natural Resources, within 10-days of such action. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

    a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

    b. Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

    c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

11. Appeals: The decision of the Variance Board may be appealed by the applicant or by any other Roseville property owner within 10 days of the decision. Appeals are heard by the City Council which acts as the Board of Zoning Adjustments and Appeals. An appeal is a matter of public record, but it does not require a public hearing and no new information will be reviewed as part of the appeal; the Board of Zoning Adjustments and Appeals will simply review the Variance Board's decision-making process to determine whether it complied with City Ordinances and State Statutes.

12. Flood Insurance Notice and Record Keeping. The Community Development Department shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and 2) Such construction below the 100-

year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

D. Conditional Use:

1. Overview: Conditional Use applications will be reviewed by City staff and discussed in a public hearing by the Planning Commission, which meets on the first Wednesday of each month, before a decision to approve or deny the application is made by the City Council at its regular meeting on the fourth Monday later that month.

2. Application Deadline: Applications must be received by the close-of-business on the first Friday of each month; applications received after this date cannot be heard at the Planning Commission meeting of the following month. Minnesota State Law requires that a decision be issued for each application within 60 days of the submission of a complete application.

3. Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.

4. Escrow Deposit: Because commercial uses can involve a significant amount of research and analysis by staff and/or outside consultants, the applicant must deposit $1,000 in escrow in addition to the commercial application fee for a Conditional Use. If the escrow is drawn down to $500, the applicant will be required to replenish the account; unused escrow funds will be returned to the applicant at the conclusion of the Conditional Use process.

5. Formal Review: Conditional Use applications may be discussed by a panel of City staff representing various departments. The members of this panel will address points of concern based on their respective professional experience; a summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the Planning Commission.

6. Staff Report: Community Development staff will prepare a report summarizing the application, reviewing it against the City's Codes, Ordinances, and policies, and providing a recommendation for the Planning Commission. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the Planning Commission meeting.

7. Notice of Public Hearing:

   a. Published and Mailed Notices: Minnesota State Law requires published notice in a City's legal newspaper a minimum of ten (10) days prior to a public hearing. City policy further requires that notices be mailed to property owners within 500 feet of the affected property. Both of these notices are prepared and sent by the City of Roseville. A copy of the proposed conditional use application shall be mailed sufficiently in advance so that the Commissioner of Natural Resources will receive at least 10-days' notice of the public hearing.

   b. Posted Signs: Conditional Use applications also require a "Notice of Land Use Application" sign to be posted on the subject property by the applicant/property owner at least ten (10) days prior to the date of the public hearing; larger sites may require additional signs. These

signs may be obtained at the Community Development counter in City Hall; to ensure that it is ready, please call 651-792-7005 to arrange a time to pick up the sign.

8. Planning Commission Meeting: Applicants are encouraged to attend and participate in the public hearing in order to respond to questions from the Planning Commission and/or members of the public. The public hearing will be held in the City Hall Council Chambers, which is equipped to display drawings, photographs, video, or other materials. Because the hearing will be televised and recorded, applicants should be prepared to speak into the microphone at the presentation table.

9. At the Public Hearing: The Planning Commission Chairperson will call the meeting to order at the appointed time, Commissioners and representatives of the City in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Chairperson will introduce the application and City staff will review the issues and recommendations detailed in the staff report. Members of the Planning Commission may ask questions about the application to be answered by City staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chairperson will close the public hearing, and the Commissioners will discuss the application and take action.

10. Planning Commission Action: The Planning Commission does not approve or deny an application; instead, it makes a recommendation of approval or denial to the City Council and provides the rationale for its recommendation. The application, along with the recommendation of the Planning Commission, is then brought to the City Council which has authority to approve or deny the application.

11. City Council: At the scheduled time, the Mayor will call the meeting to order and it will progress similar to the Planning Commission meeting. Based on the recommendation from the Planning Commission in addition to its own review, the City Council will approve or deny the proposed Conditional Use as an item on the “Consent Agenda”. At their discretion, however, the City Council may choose to review the application in greater detail and take public comment, similar to the public hearing, before ultimately approving or denying the request. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

12. Procedures for Approving a Conditional Use: The following procedures shall be followed when considering/approving a Conditional Use within all Flood Plain Districts.

    a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Roseville Community Development Department for determining the suitability of the particular site for the proposed use:

        i. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and

        ii. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

b. Transmit one copy of the information described in subsection "a" to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

c. Based upon the technical evaluation of the designated engineer or expert, the Community Development Department shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

13. Factors upon which the Conditional Use shall be based: In approving a Conditional Use the City shall consider all relevant factors specified in other sections of this Ordinance, and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the community.

f. The requirements of the facility for a waterfront location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

l. Such other factors which are relevant to the purposes of this Ordinance.

14. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the City shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

a. Modification of waste treatment and water supply facilities.

b. Limitations on period of use, occupancy, and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

e. Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

1021.11: NONCONFORMITIES

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 1021.02H21 of this Ordinance, shall be subject to the provisions of Sections 1021.11A1 – A5 of this Ordinance.

1. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 1021.11A3-A6 below.

3. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 1021.04 or 1021.05 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

4. If any nonconforming use is discontinued for l2 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of l2 months.

5. If any nonconforming use or structure is substantially damaged, as defined in Section 1021.02H20 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 1021.04 and 1021.05 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

6. If a substantial improvement occurs, as defined in Section 1021.02H21 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 1021.04 or 1021.05 of this Ordinance for new

structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

1021.12: PENALTIES FOR VIOLATION

A. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

B. Nothing herein contained shall prevent the City of Roseville from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

1. In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

2. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

1021.13: AMENDMENTS

A. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood

plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

B. All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

(Ord. 1394, 5-17-2010)

CHAPTER 1022 ZONING OVERLAY DISTRICT FOR THE TWIN LAKES REDEVELOPMENT AREA

(Rep. by Ord. 1430, 11119112)

CHAPTER 1023 PLANNED UNIT DEVELOPMENTS

SECTION:

1023.01: Purpose and Intent

1023.02: Initiation of Proceedings

1023.03: Reflection on the Official Zoning Map

1023.04: Permitted Locations for PUD Rezoning

1023.05: PUD Qualifications

1023.06: Permitted Uses Within a PUD

1023.07: Areas of Flexibility

1023.08: PUD Review Criteria

1023.09: PUD Review Procedure

1023.10: PUD Amendments

1023.11: PUD Cancellation

1023.12: Administration

1023.01: PURPOSE AND INTENT

A. The purpose of the Planned Unit Development (PUD)zoning district is to provide greater flexibility in the development of residential and non-residential areas in order to achieve more creative development outcomes while remaining economically viable and marketable. This is achieved by undertaking a process that results in a development outcome exceeding that which is typically achievable through the underlying zoning district. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning district if it is determined that proposed benefits do not justify requested flexibilities.

B. Overarching goals (not requirements) of the City in approving a PUD include but are not limited to:

1. Higher standards of site and building design such that a new development appears attractive and inviting from all surrounding parcels;
2. Greater utilization of new technologies in building design, construction, and land development;
3. A more creative and efficient use of land than would otherwise be possible;
4. Incorporation of extensive landscaping and site amenities in excess of what is required by code;
5. Creation of high-quality park, open space, and trail opportunities that exceed the expectations established in the Comprehensive Plan;
6. Enhanced access to a convenient and efficient multi-modal transportation option to service the daily needs of residents at peak and non-peak use levels, with high connectivity to the larger community;

7. Creative designs that reduce initial infrastructure costs as well as long-term maintenance and operational costs;
8. The preservation and enhancement of desirable site characteristics (including flora and fauna, scenic views, and screening);
9. Flexibility in design and construction to alleviate anticipated impacts to nearby properties and to provide greater opportunity for increased buffers between uses of differing intensities;
10. Incorporation of structured parking to hide vehicle storage and to promote opportunities for improved buffering between intensive uses and sensitive areas;
11. Elimination of repetition by encouraging a housing mixture that diversifies the architectural qualities of a neighborhood;
12. Facilitation of a complementary mix of lifecycle housing; and
13. Accommodation of higher development intensity in areas where infrastructure and other systems are capable of providing appropriate levels of public services and subsequently lower intensity in areas where such services are inadequate or where natural features require protection and/or preservation.

1023.02: INITIATION OF PROCEEDINGS

The owner of property on which a PUD is proposed shall file the applicable application for approval of the PUD by paying the fee(s) set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form and within this Section. Complete applications shall be reviewed by City Commissions as deemed necessary by the Community Development Department, including a public hearing before the Planning Commission, and be acted upon by the City Council according to the process set forth in Chapter 108 of this Code. If a proposed PUD is denied, any subsequent application for a substantially similar PUD within one (1) year of the date of denial shall fully address all findings which supported the denial prior to being accepted as complete.

1023.03: REFLECTION ON THE OFFICIAL ZONING MAP

A. PUD provisions provide an optional method of regulating land use which permits flexibility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD district, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD Overlay District shall be governed by the underlying zoning district regulations.

B. All PUDs approved prior to April 11, 2016 shall be allowed to continue per the original conditions of approval.

1023.04: PERMITTED LOCATIONS FOR PUD REZONING

Establishment of a PUD Overlay District may be requested for any area regardless of current zoning.

1023.05: PUD QUALIFICATIONS

A. Establishment of a PUD will be considered only for areas of land in single ownership or control. Alternatively, multiple party ownership at the sole discretion of the City, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.

B. Projects eligible for a PUD shall have a site which consists of a parcel or contiguous parcels of land two (2) acres or more in size. Tracts of less than two (2) acres may be eligible for a PUD overlay district only if the applicant can demonstrate that a project of superior design can be achieved, or that greater compliance with the comprehensive plan goals and policies can be attained through use of the PUD process.

1023.06: PERMITTED USES WITHIN A PUD

A. The extent of permitted land uses within a PUD shall be limited to those land uses that are either permitted or deemed by the Community Development Department to be substantially similar to those allowed in the underlying zoning district.

B. Adopted PUD Overlay District regulations may include specific provisions governing uses which supersede underlying zoning requirements.

C. More than one building may be placed on one lot in a PUD.

1023.07: AREAS OF FLEXIBILITY

Flexibility provided through a PUD will not be approved simply to avoid adherence to underlying zoning regulations, but instead must be used as a springboard to new development that would not otherwise be possible utilizing existing zoning standards. Areas of possible flexibility include the following:

A. Building Placement – including zero lot line construction subject to building code allowances. Specifications and standards for lots and setbacks shall be at the discretion of the City Council and shall encourage a desirable living or working environment which assists in achieving the goals set out for PUDs in Section 1023.01 (B).

B. Trees/Landscaping Requirements – requires specialized landscaping plans that better address on-site needs and adjacent property concerns than would otherwise be required.

C. Open Spaces – provision of public open spaces that are enhanced with public art and other amenities to provide a congregation area and a unique sense of place within the development.

D. Parking Standards – a change in stall or lot configuration requirements in exchange for structured parking, better screening of parking areas, or higher quality landscaping throughout a parking area.

E. Exterior Materials – flexibility on exterior materials to allow for unique architectural expression.

F. Density – up to a 10% increase in residential density if the PUD provides substantially more site amenities and achieves more comprehensive plan goals than could be achieved in a conventional development for the applicable land use zone.

G. Other – the City Council reserves the right to consider other modifications to underlying zoning requirements not listed above provided such changes are supportable under the PUD review criteria listed in Section 1023.08.

1023.08: PUD REVIEW CRITERIA

The following findings shall be made by the City Council prior to approval of a new or amended PUD overlay district.

A. The quality of the building and site design proposed by the PUD will substantially enhance aesthetics of the site and implement relevant goals and policies of the comprehensive plan.

B. The design creates a unified environment within the project boundaries by ensuring architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features, and efficient use of utilities;

C. The design achieves maximum compatibility with surrounding land uses, both existing and anticipated, and shall minimize the potential adverse impacts that the PUD and surrounding land uses may have on one another;

D. The design takes into consideration proposed modification of underlying zoning requirements and provides appropriate solutions to eliminate adverse impacts that proposed modifications may impose on surrounding lands.

E. If the proposed PUD involves construction over two or more phases, the applicant has demonstrated that each phase is capable of being a stand-alone development independent of other phases; and

F. At least one or more of the following specific goals will be achieved by the proposed PUD:

1. Sustainability Improvements Multiple sustainability techniques are incorporated into the development plans including but not necessarily limited to:

    a. Implementation of high-quality construction standards and the use of high- quality construction materials to ensure the longevity of the proposed project;

    b. Improvements to reduce the project's energy load, increase energy efficiency, and maximize the use of renewable energy sources;

    c. Inclusion of facilities to reuse or recycle water for on-site uses such as irrigation; and/or

    d. Enhancement of Indoor Environmental Quality (IEQ) by maximizing interior daylight, investment in appropriate ventilation and moisture control, occupant control over systems such as lighting and temperature, and avoidance of materials with high VOC emissions.

2. Improved Storm Water Management. Where appropriate, maximize the use of ecologically based approaches to storm water management, restoration or enhancement of on-site ecological systems, and protection of off-site ecological systems through the application of Low Impact Development (LID) practices.

3. Enhanced Buffering. Along property lines that abut different use types, implementation of two or more of the following techniques:

a. Significant vegetative screening and maintenance of existing vegetation if possible and appropriate;

b. Increased setbacks; and/or

c. Inclusion of berms, walls, fencing, or a combination of such.

4. Structured Parking. Inclusion of structure parking to minimize land area dedicated to vehicles thereby maximizing uses elsewhere on the property.

1023.09: PUD REVIEW PROCEDURE

All requests to establish a PUD Overlay District shall be initiated by following the steps below.

A. Developer Open House Required

1. Prior to submitting PUD Sketch Plan application for review, the applicant shall be required to hold a Developer Open House meeting in accordance with the provisions of Chapter 1102, Section 1102.01(B).

2. The written summary required by Chapter 1102, Section 1102.01 (B)(5) shall be submitted to the City as a component of the subsequent PUD Sketch Plan application.

B. PUD Sketch Plan

1. Purpose. The PUD Sketch Plan is the next step in the public engagement process, which gives the developer an opportunity to present their ideas to the City Council and the public so as to gain general feedback on areas that will require additional analysis, study, design, and changes. Feedback gained during the PUD Sketch Plan phase should be addressed within the subsequent PUD Concept Plan to be presented at a second required Developer Open House meeting prior to formal submittal.

2. Specific PUD Sketch Plan Submittal Requirements. Except as may be waived by the Community Development Department, the following information shall constitute a complete application for the PUD Sketch Plan:

a. A listing of contact information including name(s), address(es) and phone number(s) of the owner of record, authorized agents or representatives, the engineer, the surveyor, and any other relevant associates;

b. A listing of the following site data: address, current zoning, parcel size in acres and square feet and the current legal description(s);

c. A narrative explaining the applicant's proposed objectives for the PUD, a listing of the areas of flexibility from standard zoning sought through the use of PUD design, and an explanation of how the proposal addresses the PUD review criteria in Section 1023.08.

d. A listing of general information including the number of proposed residential units, commercial and/or industrial land uses and square footages by category of use, public use areas including a description of proposed use, and any other land use proposed as part of the PUD.

e. Calculation of the proposed density of the project and the potential density under standard zoning regulations, including both gross density and net density accounting for developable and undevelopable land. Undevelopable land for the purposes of this calculation shall include all wetlands, floodplain, slopes greater than 18%, poor soils and areas of concentrated woodlands;

f. The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas); and

g. A PUD Sketch Plan illustrating the nature and type of proposed development. At a minimum, the plan should show:

i. Area calculations for gross land area;

ii. Existing zoning district(s) on the subject land and all adjacent parcels;

iii. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (such as schools and parks);

iv. Area calculations for each parcel;

v. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;

vi. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;

vii. Proposed sidewalks and trails;

viii. Proposed parking areas;

ix. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);

x. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;

xi. Location of utility systems that will serve the property; and

xii. Any additional information that may explain the proposed PUD.

3. PUD Sketch Plan Proposal Review. Upon receiving a PUD Sketch Plan application, the Community Development Department shall schedule a date upon which the City Council will review the Sketch Plan application and provide feedback to the applicant.

a. During the meeting, the City Council may make comment on the merit, needed changes, and suggested conditions that the proposer should adhere to with any future application.

b. Staff should identify information submittals that were waived so the City Council may determine if such is needed for PUD Concept Plan submittal.

c. The City Council may take comment from the public as part of the meeting.

d. The City Council shall make no formal decision as part of the consideration. The City Council's comments are explicitly not an approval or denial of the project, but are intended only to provide information for the applicant to consider prior to application for a possible PUD Concept Plan.

C. Second Developer Open House Meeting Required

1. Prior to submitting a PUD Concept Plan application for review, the applicant shall be required to hold a second developer Open House meeting in accordance with the provisions of Chapter 1102, Section 1102.01(B).

2. The written summary required by Chapter 1102, Section1102.01(B)(5) shall be submitted to the City as a component of the subsequent PUD Concept Plan application.

D. PUD Concept Plan

1. Prerequisites

a. No application for a PUD Concept Plan will be accepted unless a distinctly similar proposal has completed the PUD Sketch Plan review process within the previous year from the date of the Concept Plan application.

b. No application for a PUD Concept Plan will be accepted unless the required developer open house meeting has been held not less than 15 days and not more than 45 days prior to the submission of a PUD Concept application.

2. PUD Concept Plan Submittal Requirements. Except as may be waived by the Community Development Department, the following information shall constitute a complete application for PUD Concept Plan.

a. All required information for a preliminary plat per Chapter 1102, Section 1102.01(C) and Section 1102.02;

b. A written summary of the required Developer Open House meeting as required by Chapter 1102, Section 1102.01 (B)(5);

c. A separate PUD Concept Site Plan that includes the following information:

i. Administrative information (including identification of the drawing as a "PUD Concept Plan," the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);

ii. Area calculations for gross land area, wetland areas, right-of-way dedications, and proposed public and private parks or open space;

iii. Existing zoning district(s) on the subject land and all adjacent parcels;

iv. Layout of proposed lots with future lot and block number. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote Outlots planned for public dedication and/or open space (such as schools and parks);

v. Area calculations for each parcel;

vi. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;

vii. Proposed gross hardcover allowance per lot (if applicable);

viii. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;

ix. Delineation of wetlands and/or watercourses over the property;

x. Delineation of the ordinary high water levels of all water bodies;

xi. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;

xii. Easements and rights-of-way within or adjacent to the subdivision parcel(s);

xiii. The location and orientation of proposed buildings;

xiv. Proposed sidewalks and trails;

xv. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, and if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;

xvi. Lighting location, style and mounting system, as well as a light distribution plan;

xvii. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable); and

xviii. Location, access and screening detail of large trash handling and recycling collection areas

d. Colored renderings which detail the building materials being used and clearly communicate the look and design of the proposed building(s);

e. A grading drainage and erosion control plan prepared by a registered professional engineer providing all information as required by Public Works and/or the Community Development Department;

f. A utility plan providing all information as required by Public Works and/or the Community Development Department;

g. A landscape plan prepared by a qualified professional providing all information outlined in Section 1011.03, Landscaping and Screening in All Districts;

h. A tree preservation plan as required by Section 1011.04, Tree Preservation and Restoration in All Districts;

i. The location and detail of signage providing all pertinent information necessary to determine compliance with Chapter 1010, Sign Regulations;

j. A traffic study containing, at a minimum, the total and peak-hour trip generation from the site at full development and the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements;

k. A plan sheet or narrative clearly delineating all features not consistent with underlying zoning regulations and all PUD goals being addressed in exchange for the desired areas of flexibility; and

l. Any other information as directed by the Community Development Department.

3. PUD Concept Plan Review

a. As part of the review process for a PUD Concept Plan, the Community Development Department shall generate an analysis of the proposal against the expectations for PUDs and make a recommendation regarding the proposed overlay district for Planning Commission and City Council consideration.

b. The Community Development Department shall prepare a draft ordinance to establish the potential overlay district to be established as a component of the PUD Final Plan.

c. The Planning Commission shall hold a public hearing and consider the application's consistency with the goals for PUDs, the PUD review criteria, and applicable Comprehensive Plan goals. The Planning Commission shall make recommendations to the City Council on the meriut, needed changes, and suggested conditions to impose on the PUD.

d. In approving or denying the PUD Concept Plan, the City Council shall make findings on the PUD review criteria outlined in Section 1023.08.

e. As a condition of PUD Concept Plan approval, adoption and publication of an overlay district ordinance must occur prior to the filing of any future final plat.

E. PUD Final Plan

1. Application Deadline. Application for a PUD Final Plan shall be submitted for approval within ninety (90) days of City Council approval of the PUD Concept Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

2. PUD Final Plan Submittal Requirements. Except as may be waived by the Community Development Department, the following information shall constitute a complete application for PUD Final Plan:

a. All required information for a final plat per Chapter 1102, Section 1102.04;

b. All required PUD Concept Plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD Concept Plan approval;

c. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowner's association or other documents or contracts which control the use or maintenance of property covered by the PUD:

d. A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage.

e. Up-to-date title evidence for the subject property in a form acceptable to the Community Development Department.

f. Warranty deeds for property being dedicated to the City such as parks and outlots must be free from all liens and encumbrances;

g. All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, together with all necessary consents to the easement by existing encumbrancers of the property;

h. Any other information deemed necessary by the Community Development Department to fully present the intention and character of the PUD; and

i. If certain land areas or structures within the PUD are designated for recreational use, public plaza, open areas or service facilities, the owner of such land and buildings shall provide a plan to the City that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.

3. PUD Final Plan Review

a. The Community Development Department shall generate an analysis of the final documents against the conditions of PUD Concept Plan approval and make a recommendation as to whether all conditions have been met or if additional changes are needed.

b. Staff should once again identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.

c. The Community Development Department shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.

d. The Planning Commission shall hold a public hearing on the proposed overlay district ordinance and Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because a PUD Concept Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and PUD Final Plan are in substantial compliance with the PUD Concept Plan and the required conditions of approval.

e. The City Council shall then consider the recommendations of the Community Development Department, the public, and the Planning Commission and make a decision of approval or denial, in whole or in part, on the PUD Fianl Plan. A denial shall only be based on findings that a PUD Final Plan is not in substantial compliance with the approved PUD Concept Plan and/or the required conditions of approval.

f. As a condition of PUD Final Plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.

g. Planned Unit Development Agreement

i. At its sole discretion, the City may as a condition of approval, required the owner and developer of the proposed PUD to execute a development agreement which may include but not be limited to all requirements of the PUD Final Plan.

ii. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of

credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.

h. As directed by the City, documents related to the PUD shall be recorded against the property.

4. Time Limit

a. A PUD shall be validated by the applicant through the commencement of any necessary construction or establishment of the authorized use(s), subject to the permit requirements of Title 9 of this Code, in support of the PUD within one (1) year of the date of PUD Final Plan approval. Failure to meet this deadline shall render the PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the PUD approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the PUD.

b. An application to reinstate a PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new PUD beginning with a PUD Concept Plan [The prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required open house in 1023.09(C) must be held].

1023.10: PUD AMENDMENTS

Approved PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer. At such a time, the applicant shall make an application to the City for a PUD amendment.

A. Existing PUD Overlay Districts Amendments for approved PUD Overlay Districts shall be processed as one of the following.

1. Administrative Amendment. The community Development Department may approve minor changes in the location, placement, and height of buildings if such changes are required by engineering or other circumstances, provided the changes conform to the approved Overlay District intent and are consistent with all requirements of the PUD ordinance. Under no circumstances shall an administrative amendment allow additional stories to buildings, additional lots, or changes to designated uses established as part of the PUD. An administrative Amendment shall be memorialized in a letter signed by the Community Development Director and recorded against the PUD property.

2. Ordinance Amendment. A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in Chapter 1009. Ordinance amendments shall be limited to changes that are deemed by the Community Development Department to be consistent with the intent of the original PUD approval, but are technically necessary due to construction of the adopted overlay district language.

3. PUD Amendment. Any change not qualifying for an administrative amendment or an ordinance amendment shall require a PUD amendment. An application to amend a PUD shall be

administered in the same manner as that required for a new PUD beginning with a PUD Concept Plan [the prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required open house in 1023.09(C) must be held].

B. Pre-existing PUDs Approved as a Special Use Permit. Pre-existing PUDs authorized prior to April 11, 2016 shall continue to be governed per the original conditions of approval until the PUD is cancelled by the City, or the PUD is converted to a PUD overlay district. An application to amend a pre-existing PUD shall be administered in the same manner as that required for a new PUD beginning with a PUD Concept Plan. [The prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required open house in 1023.09(C) must be held].

1023.11: PUD CANCELATTIONS

A PUD shall be cancelled and revoked only upon the City Council adopting an ordinance rescinding the overlay district or special use permit establishing the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other applicable land use regulations; threatens public safety, health, or welfare; or due to other applicable findings in accordance with law.

1023.12: ADMINISTRATION

In general, the following rules shall apply to all PUDs:

A. Rules and regulations. No requirement outlined in the PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines.

B. Preconstruction. No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.

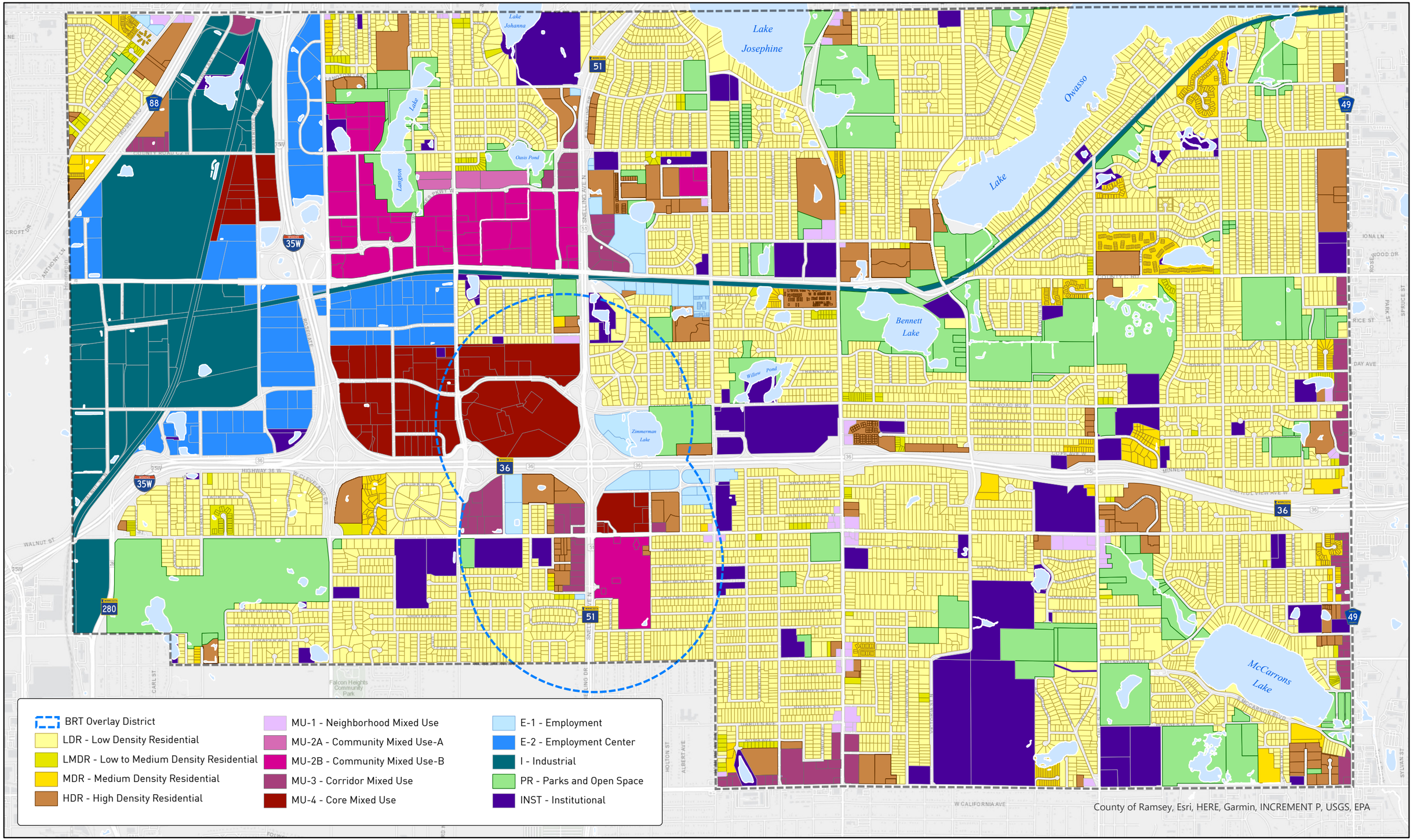
C. Effect on Conveyed Property. In the event that any real property in an approved PUD is conveyed in total or in part, the new owners thereof shall be bound by the provisions of the approved overlay district. (Ord. 1497 4/11/2016)

Section 2. Zoning Map Amended. After Planning Commission and City Council consideration of Phase 1 of Project File 0044, all property within the legal boundaries of the City of Roseville are hereby zoned or rezoned as indicated on the Official Zoning Map on file with the Roseville Community Department to reflect continued, renamed, and new zoning districts where necessary.

Section 3. Effective Date. This ordinance amendment to the City Code shall take effect upon the passage and publication of this ordinance.

Passed this 8th day of November 2021.

ATTACHMENT A



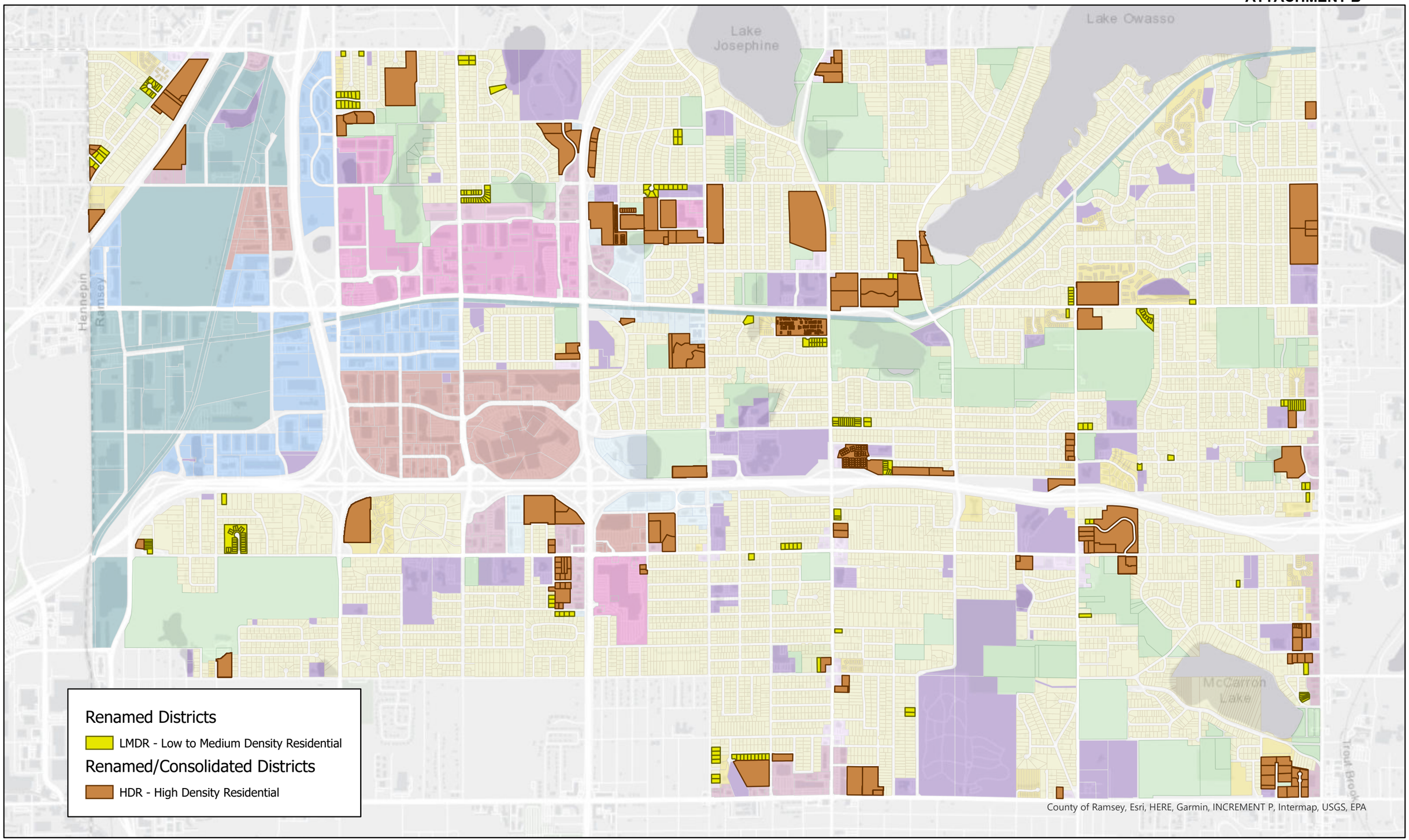
ROSEVILLE

Community Development
October 20, 2021

Proposed Zoning Map

0 1,000 2,000 Feet

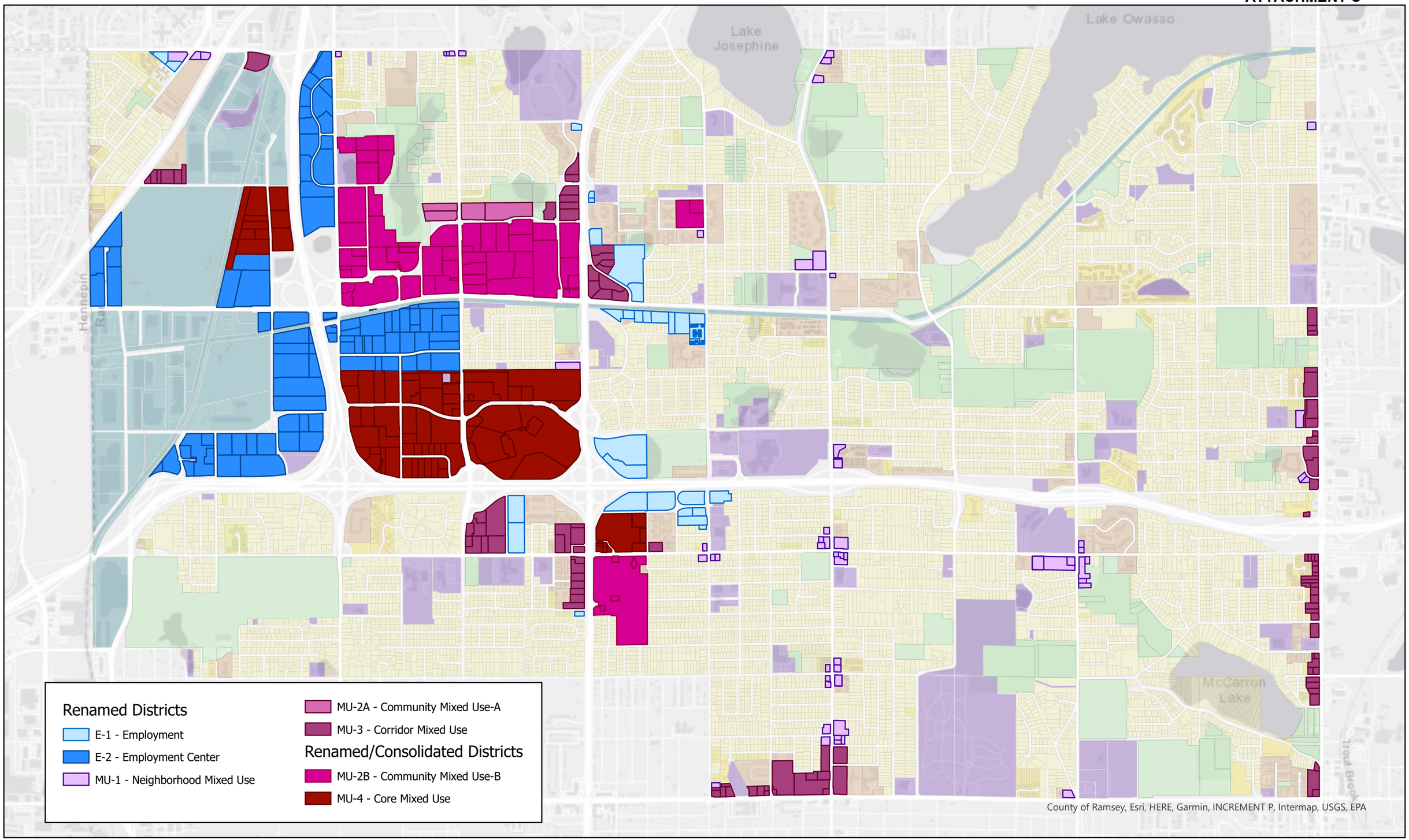
ATTACHMENT B



Renamed/Consolidated Residential Districts

Date: 6/30/2021

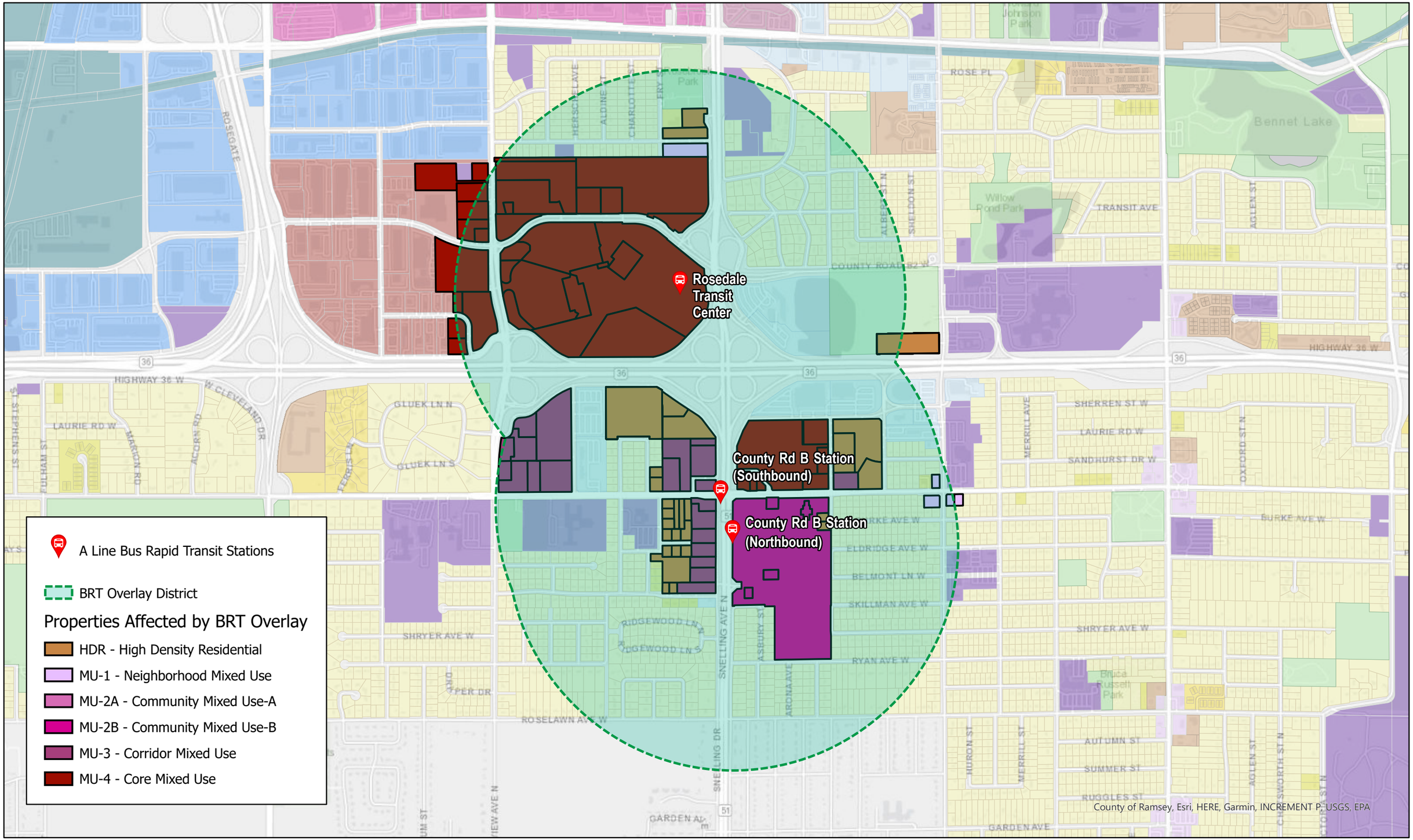
ATTACHMENT C



Renamed/Consolidated Non-Residential Districts

Date: 6/30/2021

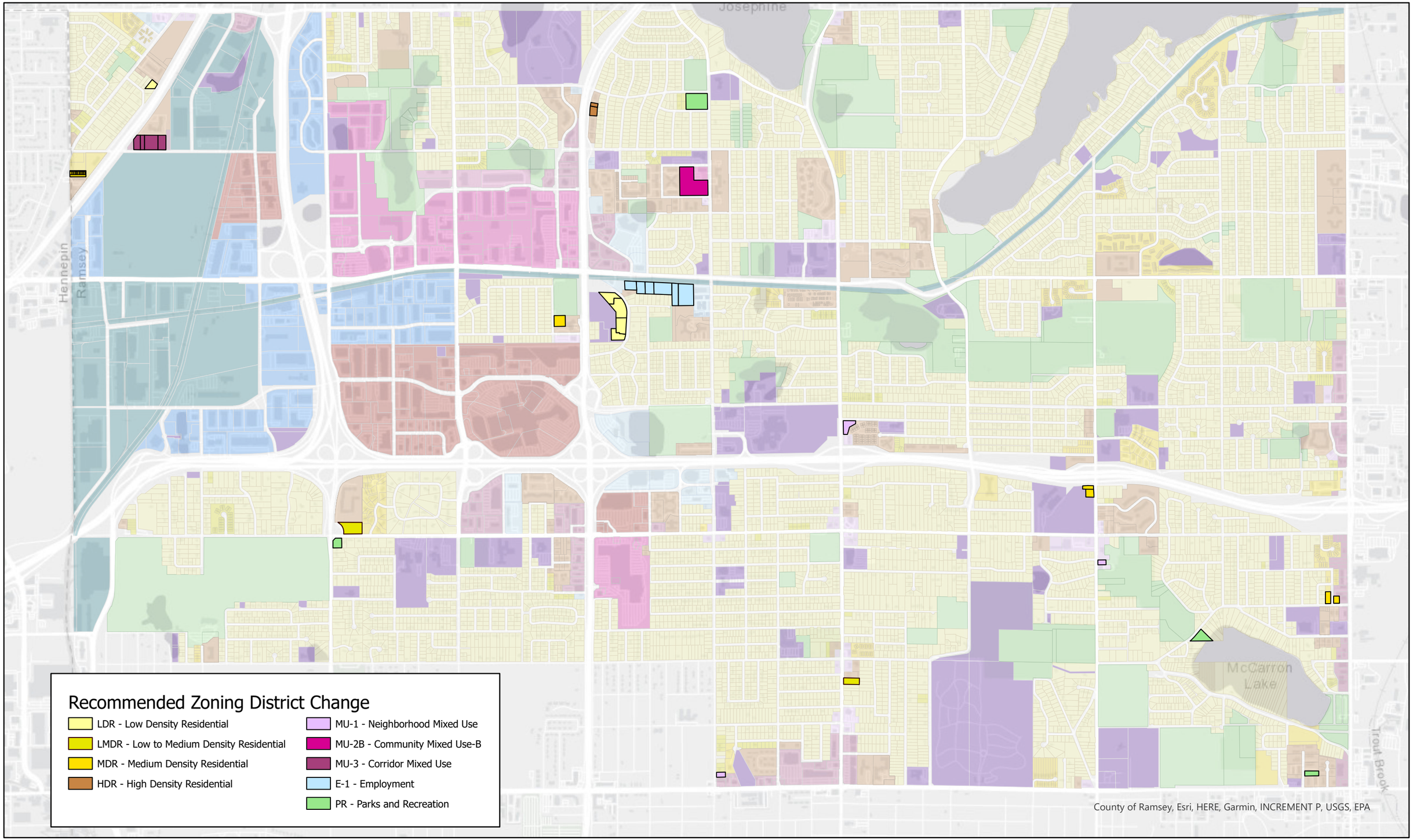
ATTACHMENT D



New BRT Overlay District

Date: 6/30/2021

ATTACHMENT E



Site-Specific Rezoning

Date: 10/29/2021

ORDINANCE SUMMARY NO. ____

AN ORDINANCE AMENDING TITLE 10, ZONING, OF THE ROSEVILLE CITY CODE TO ENSURE CONFORMANCE WITH THE 2040 COMPREHENSIVE PLAN

The following is the official summary of Ordinance No. _____ approved by the City Council of Roseville on November 8, 2021:

The Roseville City Code, Title 10, Zoning Ordinance, has been amended to ensure the provisions of the zoning code are in alignment with Roseville's 2040 Comprehensive Plan. Such amendments generally include: renaming and establishing certain new zoning districts; updating the official zoning map to reflect continued, renamed, and new zoning districts where necessary; expanding the types of dwelling structures allowed in various zoning districts; allowing increased density in low-density zoning districts; consolidating and reorganizing mixed use districts to promote greater residential development; revising employment districts and reconciling uses across the employment districts; updating zoning district references to account for new and renamed districts; and establishing an overlay district increasing the minimum residential density and requirements for pedestrian and bicycling facilities for potential redevelopments near Bus Rapid Transit stations.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
Patrick Trudgeon, City Manager

work in that area. She wondered if there was any way the boundary could shift to Snelling and those residents would then be impacted by whatever is happening later on and possibly would not affect them overnight.

Mr. Freihammer explained the border could move. The ten days is for the overall work project. There are four full travel lanes that need to be paved but if he had to guess, it would probably be one or two days of work east of Snelling, or east of the bridge, for the work to be going on. He noted it would not be a full ten days in that area, it would just be a day or two.

Councilmember Strahan indicated the rest of the area is not residential so it seems there would be limited impact overnight by the shopping center.

Councilmember Etten agreed that was a concern area for him as well but at the same time he wanted to respect that there may be a reason this was taken that far. He would trust staff to guide that process.

Councilmember Willmus thought the ramp interchange to the east of the north/south bound Snelling was significantly busy during the day and he imagined that is playing into this request to be able to do night work there in order to be able to get the project done a little bit quicker.

Councilmember Groff asked if staff has heard anything from the residents in that area regarding this.

Mr. Freihammer explained there were five or six houses within the five-hundred-foot radius of the project that did get notified and staff did not hear any comments from either residents or property owners.

Mayor Roe reviewed public hearing protocol and opened and closed the public hearing at approximately 7:14 p.m. for the purpose of receiving public input on the above-referenced Noise Variance; with no one appearing for or against.

Willmus moved, Etten seconded, adoption of Resolution No. 11829 entitled, "Resolution Requesting a Variance from City Code Section 405.03, Hourly Restriction on Certain Operations for the County Road B2 Project."

Roll Call
Ayes: Groff, Willmus, Strahan, Etten, and Roe.
Nays: None.

c. Consider an Ordinance approving Zoning Map and Zoning Code Text Amendments to align with the City's 2040 Comprehensive Plan

Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request For Council Action and related attachments dated September 13, 2021.

Ms. Gundlach introduced Mr. Jeff Miller and Ms. Rita Trapp from HKGi who made a presentation to the City Council.

Ms. Gundlach summarized the public hearing comments as well as the Planning Commission comments and motions from the Planning Commission meetings. She noted staff recommends the Council table this item for further review by staff.

Councilmember Willmus indicated in one of the slides, there was some conversation about what the City knows now as LDR-1 and what that looks like combined with medium density residential if this moved forward. There is also a lot of comment in this about how the City is leaving LDR-1 intact as is when really, in effect, that existing LDR-1 is becoming what is currently LDR-2. He would like some clarification on that.

Ms. Gundlach did not think it was accurate that the City is changing the LDR district, if referring to the eight units per acre.

Councilmember Willmus indicated he was talking about the City's existing LDR-1, which is four units per acre and now seem to be lumping into the City's current LDR-2, which is the eight units per acre.

Ms. Gundlach did not believe that to be true. She stated the LDR-1 district is being renamed to LDR. When looking at the Land Use table, with the lot requirement, the lot area is changing to 9,350 square feet where right now the minimum lot area is 11,000 square feet but if it is extrapolated out it does not necessarily equal eight units per acre. The LDR-2 district is being renamed to LMDR which is where the eight units, and sometimes even more, based on the housing type.

Mr. Miller explained when looking at the LDR-2, he was also kind of confused in looking at the Zoning District. The LDR-2 does not line up with the LDR land use in the Comp. Plan, it really lines up with MDR in the Comp. Plan. Even though it is called LDR-2 it has quite a few housing types that really line up with MDR. If that is accounted for then that leaves the only district that really aligns with the LDR land use category which is LDR-1. What HKGi is recommending is to align LDR-1 or LDR with the land use category, which is to allow eight units per acre and housing types that allow them to get there, which is the two family and courtyard cottages, which are single-family homes as well but are a different type of detached home.

Councilmember Willmus asked if the City's current LDR is, in essence, becoming what the LDR-2 is.

Ms. Gundlach indicated it depends on the housing type being implemented.

Councilmember Willmus explained the way staff is defining it, the minimum lot size standard and potential density is being changed and almost everything about it is being changed so he wondered how that is not a rezoning.

Ms. Gundlach explained it was her understanding that the Comp. Plan guidance currently allows up to eight units per acre in the LDR district. The Zoning District changes staff is proposing still align with that which is why staff does not believe it requires a rezoning of every parcel that is currently guided LDR.

Mr. Miller explained the MDR in the Comp. Plan allows up to twelve units per acre. He indicated they are recommending changes to the LDR, but they are not moving or transitioning the LDR to be LDR-2.

Councilmember Strahan asked for clarification on 1880 Lexington. She thought it appeared to be from the street a single-family home and from the information provided the owner purchased it under the understanding that it was a high-density residential and an endangered lot. She noted there are some medium-density residential homes next door so she was wondering why the designation was to go from high density to low density.

Ms. Gundlach explained she was not with the City during the Comp. Plan conversation where the decisions were made to go back from HDR to LDR. She knew those conversations were had during the larger engagement effort. She did know that the current owner bought that property in October 2019, which was well after the Comp. Plan engagement process, where the property owner would have been notified about conversations about changing the land use guidance. She bought it during the time where the previous owner was invited to participate in the Comp. Plan conversation to change the guidance but not before the actual process the City is in now, which is to implement that. She thought there is a single-family home on the parcel now and there are single-family homes to the south as well as single-family homes behind. She thought that the desire was to maintain the lower density characteristics that already exist to the south and east of the property.

Mayor Roe explained it was originally designated as high-density residential because the property immediately to the north is high density and this lot was the same size so it seemed conducive to likely being redeveloped as high density. When the Comp. Plan discussion came around it was noted this was a single-family home surrounded on two sides by single-family homes and he thought the Council's desire in that discussion was to let a potential redevelopment process determine what the appropriate rezoning, if any would be, leave it at single-family LDR as it currently exists and allow for a redevelopment process to bring forward a proposed rezoning and re-guiding at that point.

Public Comment

Mayor Roe offered an opportunity for public comment.

Ms. Patricia Kelly Hall, President Midland Grove Condominium Association
Ms. Hall explained the residents of Midland Grove Condominiums are upset particularly about this years' efforts. She summarized the community to the City Council. She noted since she has moved in MnDOT has clear cut trees and shrubs on the northeast corner and removed all of the trees on the southeast corner due to EAB and no trees have been replanted on that site. The only trees that have been replaced are the ones that the residents have paid for. It seemed to the owners that the government has taken from them and not given anything back. She indicated the residents are upset with the rezoning of the 2025 parcel because it would allow buildings up to forty-feet feet above ground in a neighborhood with nothing else that tall and that structure would be in the middle of what is now a grove. She explained the residents were also upset when members of the Planning Commission staff told her that the City did not notify them of the original proposed changes to Roseville zoning because then only commercial property owners were notified. She also explained the residents were also upset when another Commission staffer said in public that homeowners might not be notified when a plan for developing the 2020 parcel comes forward because it is too small. She noted this was one of the most concerning things, that the residents would not even be notified if a plan came forward for development. A follow up to that is that the residents were told the City could not guarantee that the missing gap housing is what would go in there. She concluded her comments with indicating the residents are not opposed to development in the area but were opposed to being ignored by the government when decisions are made that impact them more than anyone else.

Mr. Mark Germscheid, Board Member Midland Grove Condominium Association
Mr. Germscheid indicated he was representing the residents of the association. He summarized the history of the Associations participation in previous zoning plan change discussions. He noted this time the Association was not invited to participate in any zoning conversations this year until July. He showed on the overhead how the area looks to different agencies and traffic in the area. He stated the Associations recommendation is to pass an amendment tonight because the City Council has the opportunity to continue to show their support of the Roseville Residents by repairing this administrative oversite. They ask that the City Council adopt a Comp. Plan amendment to vacate the zoning change recommendation for 2050 County Road B West.

Ms. Joyce Theilen, Homeowner at Midland Grove Road
Ms. Theilen explained she has been a resident for over twenty-five years. She indicated the reason she came up to speak to the City Council is that this whole idea

of the traffic situation is really getting dire. There are some people who will no longer take a left onto County Road B, which leads them to shop and support the businesses in Roseville because it is too dangerous. There is also a tremendous water problem. She noted she has water in their garage and has been there since she has lived there. The last time this came up before the Board, Midland Grove spent over $600,000 to redo everything for their drainage system, and they still have water coming into the garage. It has never abated. At that time, she went to the Minnesota Attorney General's office and spoke to them about this, and she was told Midland Grove should never have been allowed to be built there in the first place because that is considered a swamp area. She was pleading with the Council to not let new buildings come in there because of the traffic situation and because of what the Attorney General's office told her.

Mr. Thomas Tveit, 2230 Midland Grove
Mr. Tveit indicated he did not understand the logic with the City wanting to re-consider the zoning at 1880 Lexington and moving it back to low density from what has been recommended with this area and trying to make a low-density property into a medium density property. He thought it seemed inconsistent with the City's approach to the whole process.

Mr. Steve Enzler, 1995 County Road B West
Mr. Enzler stated they are a classic example of what can happen when the zoning and the Comp. Plan do not align. The learning here is the Council has another opportunity to not let what happened to his area happen to anyone else. If nothing else, no one should buy property without having to look at the zoning and Comp. Plan. Anything that the City can do to require disclosure for new, potential residents of the City would be of great assistance. He explained this is a tough situation for everyone and he believed there should be creative ways to increase density and he thought there was an opportunity with this parcel to do something wonderful but what he thought needs to happen is the property controls still need to be in place so that the builder can be creative and maximize the use of the land but also fit into the environment. The way to keep proper control, he believed, is to move it to LMDR, which allows up to forty units on the bigger parcel.

Mr. Blake Olson, 2609 and 2599 West Snelling Curve
Mr. Olson stated the entire west side of West Snelling Curve is undeveloped land. He explained he strongly opposed the change and looked to amend the Comp. Plan for this land because it does not fit for the best use of the land. He indicated this is three and a half acres and to have it get switched back to low density is not something he is in favor of. He asked the Council to amend the Comp. Plan in order to keep the zoning what it currently is, which is medium density.

Ms. Kelly Schwagerl, 1011 Roselawn Avenue
Mr. Schwagerl explained she was at the meeting to support Mr. Olson. She has been working with the owner to develop residential assisted living on that land.

She indicated this would be a diverse living area. She explained what residential assisted living entails. She indicated it was her dream to make a residential assisted living development a reality and it would squash her dream if the Council made this area a low-density residential area. She thought the development she would like to create would be a great use for the land and hoped this would stay at medium density.

Mr. Chris Schwagerl, 1011 Roselawn Avenue
Mr. Schwagerl explained their business partner, Mr. Olson, talked about keeping the West Snelling Curve lot zoned as MDR and his wife talked about the residential assisted living plan and why a residential assisted living provides greater care for seniors, which is a part of the 2040 Comp. Plan. He noted he was a mental health social worker and was a newly licensed assisted living director. He explained as a social worker, one of the problems that a lot of his client's face is how can they get a job that pays them some money and also gives them some dignity where they do not have to sit in fast food or do customer service. Most of his clients who are experiencing depression, anxiety, psychosis, things like that are looking for jobs that take care of people and do not have a lot of access to large facilities. What he and his wife are proposing with residential assisted living would be a way for people to work in a residence and work in a home to help seniors live in a home instead of a facility. He asked the Council to keep the West Snelling Curve lot zoned as MDR so they can provide great care and diverse jobs.

Mr. Jon Bauer, 2025 County Road B
Mr. Bauer explained he supported the recommendation of medium density.

Mayor Roe closed the public comment at 8:36 p.m.

Councilmember Strahan explained looking at the City Council meeting minutes from October 23, 2017, at that time, the 1880 property, indicated it was going to be low density residential, so it is confusing why it is still unclear four years later. At that time, 2355 West Snelling Curve, without objection the Council agreed to retain LDR designation and 2025 County Road B, the Council agreed to leave this as MDR. She indicated she wanted to clarify where these properties were at in 2017 and if anything has changed from then until now.

Mayor Roe explained the 1880 property, in the last Comp. Plan and Zoning, it was guided and zoned for high density. The discussion preceding the October 2017 meeting was all related to updating the Comp. Plan and the future guidance for that site and the Council and Planning Commission's decision was to reguide that back to low density as a part of the guidance in the Comp. Plan. The Comp. Plan currently designates that site as LDR, which is a change from the previous high-density residential. He indicated now the City is at the point of updating its zoning code to match the Comp. Plan designation on that property. He stated Snelling Curve has been LDR in the previous zoning and Comp. Plan but as a part of that Comp. Plan

process in 2017, there was discussion about updating it to medium density. He believed that ended up not going forward and the Council decision was to not do medium density and he recalled one of the primary reasons was a concern about access for a lot of units and only having the access out to the south. He noted 2025 had a lot of back and forth on the Council and Planning Commission and during the Comp. Plan process its existing guidance has been LDR and proposals have come forward with a lot of density and fairly large projects and the Council has voted against those because of the amount of density.

Ms. Gundlach concurred. She also reviewed the history of the three sites and the minutes of the Planning Commission and City Council in 2017.

Councilmember Willmus explained he was not opposed to taking a second look to address some of the issues that the residents have brought forward to the Council. One of the concerns he has is not wanting to do that in essence, not knowing what the ultimate design standards are going to look like for various classifications that they are going to be considering. He thought staff had asked the Council to table with specificity with respect to those design standards. He thought this was something the City should be doing if they are going to do that, knowing what those standards are.

Mayor Roe concurred and thought the idea being that the Council does not take an action, even on the site-specific proposals, but rather come back to those. He thought the bigger question is does the Council want to initiate that Comp. Plan change process. He was not sure if that question could even be answered until the Council knows what the standards ultimately will be coming forward for the various zoning designations.

Mayor Roe asked if the Council wanted to take a break before discussing text amendment changes. The Council agreed a break was needed.

Recess

Mayor Roe recessed the meeting at approximately 8:50 p.m., and reconvened at approximately 8:59 p.m.

Mayor Roe indicated the Council will be asking staff questions and discuss the text amendment changes and use list standards.

Residential Districts

Ms. Gundlach reviewed with the Council the issue with LMDR dimensional standards and the MDR dimensional standards tables in attachment E of the packet. She indicated it did not make sense that a greater lot width would be required in the MDR for the same housing type that is reflected in the LMDR at a lower lot width. Staff needs some time to go back and look at the lot width and make sure that as they go from LDR to LMDR to MDR to HDR, it is progressively getting more

intense with all of the standards. She noted the second issue deals more with HDR and the commercial districts.

Mayor Roe indicated there was extensive discussion about the height versus set-back and he wondered if this should remain in both the mixed-use, high-density type uses and adjacencies or have it different between the two. He thought when reading this it should remain in both places.

Councilmember Willmus thought a lot of that conversation related setback and such began with the conversations that were going on at the Good Samaritan property. The Council had significant conversation about that and attempting to protect dis-similar uses in close proximity to what the intended use would be and he would concur and would like to retain that language. He thought it was a pretty stark change when all of sudden there is a multi-story building that is impacting solar access and other things, which is what the driver was on that, from his perspective. He indicated he would support retaining that language.

Councilmember Etten concurred and would rather retain that language and have significant discussion specific to what types it is next to, up to the MDR density level. He would support keeping that fifty percent to building height piece in the HDR Districts and then everything would be consistent later with the CMU district.

Ms. Gundlach indicated with Har Mar, the City is rezoning it to community mixed use, that step back standard was not made up, and is already in the CMU district. She explained what is interesting is the step back in the CMU district comes into play after the second story. How it is written in the HDR is the step back comes into play after the third story. She noted staff wants to look at that.

The Council discussed height standards in the different districts with staff and the Planning Commission recommendations.

Councilmember Willmus explained on the use chart, a number of years ago there was a deliberate attempt to retain significantly larger lots and with the change that will be in effect with LDR that could perhaps down the road lead to significant changes and changes in character in existing neighborhoods. He worried about it to some degree. One of his concerns is when the City is dealing with other issues that the Council struggles with when proposals come forward with perhaps nine to ten lots that are 10,000 to 12,000 square feet in size. The issue is with the loss of trees, runoff water, etc. Those things will become more apparent at having the in-frastructure to deal with those, having the loss of canopy seen which is something he struggles with. There will need to be a balancing act and he thought the Council owed themselves a step back to take a little bit of time to work through. He was not sure this was something he was ready to say that they are able to go Citywide with because he did not know what ramifications it will have down the road.

Mayor Roe reviewed the proposed changes and did not think this would be changed. He clarified that Councilmember Willmus was not saying he was concerned about changing existing LDR-1 to LMDR, like rezoning properties across the City. What Councilmember Willmus was saying is that LDR-1 is creeping up in density as the city changes what LDR means because the City is allowing two-family and the Courtyard Cottage and the size of lots per unit and all that.

Councilmember Willmus agreed.

Councilmember Strahan thought there was also the concern of public safety because of all the added units and trying to keep up with the volumes as well as the schools not regularly having what they need. She thought when there were changes made, the City needs to factor in long term impacts.

Councilmember Etten recognized that this potential LDR would allow an open parcel that is an acre up to eight lots, other than that, he did not see the slightly smaller LDR single-family unit, they can still get 4.5 of those in so there is not going to be a big change there. The lot width stays the same unless there is a twin home and then it is actually wider than the current City standards so a lot of lots would not even work unless several were purchased in a row. He thought it would be a rare circumstance where the City would have more than a few lots changing over. He thought it would be difficult to make this a large expansion of density in the LDR neighborhood.

Mayor Roe suggested the Council needed to have another discussion like this on the commercial and employment districts at an upcoming meeting.

Councilmember Etten indicated that he preferred to continue with this item and move the legislative priorities to another meeting.

Councilmember Willmus indicated he would like to put this conversation on pause and bring it back to another meeting where they can start it at the beginning of the meeting. He thought these were some fairly complex issues that need more discussion than just another 20 minutes.

Councilmember Etten thought if the Council worked through the other two items, then staff could bring back revisions for the Council to discuss at a future meeting.

Mayor Roe suggested discussing the commercial Districts

Commercial Districts
Ms. Gundlach explained staff would like the Council to revisit the step back in the building height as it relates to setback in the MU2B and the MU4. She indicated this will be addressed in a future ordinance that staff will bring forward to the Council.

The Council asked staff to look at the Dwelling, multi-family (more than eight units per building) and also Dwelling, one-family attached (townhome, rowhouse) in table 1005-1 for corrections that should be made.

Councilmember Willmus indicated in the table under Brewpub, Brewery, Micro-Brewery, Distillery, when looking at brewery, it is listed as conditional in the MU-2A and MU2B, not permitted in MU3 but then conditional in RB-1 MU-4. He wondered why it would not be permitted in MU3.

Mayor Roe indicated that was one he cited as well and seemed like actually in both MU-2A and MU-2B, it might be appropriate to have it not permitted as well because he thought they talked about a brewery being a big establishment. He would like staff to double check that.

Councilmember Willmus concurred.

Councilmember Etten explained in the current CMU Code it is not permitted in the MU-2A but is a conditional use in the other CMU District. He would prefer to have the brewery not permitted in the new MU-2A. He noted another piece of this under MU-2B is Lodging, Motels, Hotels throughout. He explained that was only in the CMU4 before and now this puts it potentially next to Langton Lake and was a very intentional move by the Council to have that where it was in the CMU group, and he thought the current CMU-2 was intentional on leaving this out of that group.

Mayor Roe thought maybe this could be a conditional use in MU-2B.

Councilmember Etten noted in the proposed MU Districts, there is nothing he has found with retail large format, and he wondered if that was intentional.

Ms. Gundlach explained staff did not carry the retail large format over from the CMU into the same table. Retail is in there, but staff did not differentiate between large format and regular, which the threshold is 100,000 square feet. If the Council would want to leave it in then staff would need to add that back in.

Councilmember Etten indicated this made him pause because Council discussed these for a long time and he worried that the big box stores would be permitted in areas where they were intentionally left out previously.

The Council discussed where the community center, library, and municipal building should be permitted. Council consensus was this should be permitted in all districts.

Councilmember Willmus noted there are a few other instances like the community center line throughout the table and he asked staff to review and double check those as well.

Employment Districts
Mayor Roe thought this was pretty consistent with the previous code.

The Council discussed changes and wording in the employment district and impervious coverage ratios.

Etten asked if the impervious surface limits in residential districts were proposed to be changed and he was informed they were not.

d. Discuss Roseville's 2022 Legislative Priorities
This item was moved to a future meeting.

8. Approve Minutes
Comments and corrections to draft minutes had been submitted by the City Council prior to tonight's meeting and those revisions were incorporated into the draft presented in the Council packet.

a. Approve August 23, 2021 City Council Meeting Minutes
Willmus moved, Strahan seconded, approval of the August 23, 2021 City Council Meeting Minutes as presented.

Roll Call
Ayes: Groff, Willmus, Strahan, Etten, and Roe.
Nays: None.

9. Approve Consent Agenda
At the request of Mayor Roe, City Manager Trudgeon briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action dated September 13, 2021 and related attachments.

Strahan moved, Willmus seconded, approval of the Consent Agenda including claims and payments as presented and detailed.

Roll Call
Ayes: Groff, Willmus, Strahan, Etten, and Roe.
Nays: None.

a. Approve Payments

ACH Payments	$1,289,807.81
100928-101140	3,168,858.64
TOTAL	**$4,458,666.45**

REQUEST FOR COUNCIL ACTION

Date: Sept. 13, 2021
Item No.: 7.c

Department Approval | City Manager Approval

Janice Gundlach

Item Description: Consider an Ordinance approving Zoning Map and Zoning Code text amendments to align with the City's 2040 Comprehensive Plan

BACKGROUND

The Planning Commission has been working with the City's planning consultant, HKGi, since January regarding required and optional updates to the City's Zoning Code. The required updates aim to ensure compliance and consistency with the City's 2040 Comprehensive Plan. The optional updates aim to address a variety of issues that have been identified by staff and the City Council, technical revisions, and items that could create a more equitable, inclusive, resilient, and sustainable built environment. The required updates are occuring first, with the optional updates scheduled later in 2021. While required and optional updates are on a different timeline, the community engagement that has occurred thus far in the process covered all topics.

The Planning Commission has held eight meetings to discuss the proposed Zoning Map and Zoning Code text amendments that aim to ensure consistency with the 2040 Comprehensive Plan. This includes the public hearing held on August 4, 2021 where over 2,100 postcards were mailed to property owners inviting them to the public hearing. Project engagement included six virtual zoom community sessions held to inform the public about the project and seek input. The City has also maintained a project website at www.cityofroseville.com/zoningupdate, including access to online engagement tools consisting of an Idea Board and Interactive Map. These community input tools have been accessible to the public since February. On July 12, 2021, the City Council was provided an update on the overall Zoning Code Update project. One piece of feedback during that discussion was to provide additional information to the public regarding proposed changes that impact the City's low density residential district. This information was highlighted on the project website and additional City e-news and social media posts were deployed highlighting these changes. Staff has also worked with Nine North to record a Missing Middle Housing panel discussion on September 15th.

At this time, City staff is seeking City Council review of the proposed Zoning Map and Zoning Code text amendments. Staff acknowledges there is a substantial amount of material to review, which may require multiple City Council discussions before action is taken. Staff would suggest Council tackle the Zoning Map amendments first being members of the public will likely be present and wanting to provide feedback. Once discussion/questions have concluded on the Zoning Map, Council may wish to shift to the Zoning Code text amendments.

A summary of the Zoning Map amendments are as follows:

- All map changes depicted in Attachments A – D are needed to ensure consistency with the 2040 Future Land Use Map in Chapter 4 of the Comprehensive Plan.
- State Statute requires a City's Zoning Map and Future Land Use Map to align.

- The districts proposed for renaming and/or consolidation are to ensure better alignment with Table 4-3 (Future Land Use Framework) in the Comprehensive Plan.
- Attachment D depicts the properties that are being rezoned, which are not part of a district renaming and/or consolidation. The decisions regarding the zoning of these parcels were made following engagement efforts that occurred as a part of the comprehensive planning process in 2017-2018.

A summary of the Zoning Code text amendments are as follows:

- Attachment E outlines the full text of the proposed amendments, in ordinance form.
- Certain definitions are proposed to be added (Courtyard Cottage, Four-Family [quadruplex], and Three-Family [triplex]) and revised to ensure clarity across referenced housing types within the Tables of Allowed Uses (Tables 1004-2 and 1005-1).
- The Low Density Residential-1 (LDR-1) district is proposed to be renamed to Low Density Residential (LDR).
- The Low Density Residential-2 (LDR-2) district is proposed to be renamed to Low to Medium Density Residential (LMDR).
- The High Density Residential (HDR) 1 & 2 districts are being consolidated to a single HDR district.
- Existing "Building Arrangement" language/standards are being moved to the beginning of the residential district regulations, since they are recommended to be allowed in all residential districts. These standards are integral to allowing the courtyard cottage housing type.
- The Residential Districts Table of Allowable Uses (Table 1004-2) has been revised to reflect the new district names and the introduction of the following uses into LDR and/or LMDR:
    - LDR adds duplex (two-family detached), twin home (two-family attached), and courtyard cottage.
    - LMDR adds triplex (three-family), quadruplex (four-family), and accessory dwelling unit.
- The Dimensional Standards tables have been updated to reflect the new housing types and the corresponding minimum and maximum density and lot area requirements, including a reduction of the minimum lot size in the LDR district from 11,000 SF (interior lot) and 12,500 SF (corner lot) to 9,350 SF and establishment of minimum lot size requirements for two-family and courtyard cottage housing types.
- Under the dimensional standards for MDR, a conditional use option has been added to allow a higher density (between 12-18 units per acre).
- Under the dimensional standards for MDR, the maximum building heights have been revised to be consistent across all housing types permitted within the district – at 45'. This change is proposed to better align with Table 4-3 in Chapter 4 of the Comprehensive Plan in terms of "scale and/or intensity" across the various districts.
- Under the dimensional standards for MDR, lot area, width and setback standards have been added for the courtyard cottage housing type.
- Under the dimensional standards for HDR, a conditional use for a density higher than 24 units per acre has been added (due to elimination of the HDR-2 district).
- Under the dimensional standards for HDR, the maximum building heights have been revised to 55', with an option to obtain a conditional use to go taller (again – to align with the "scale and/or intensity" standard outlined in Table 4-3 of the Comprehensive Plan).
- Under the dimensional standards for HDR, an upper floors stepback standard has been added to address community concerns about tall buildings abutting LDR or LMDR districts.
- The existing Commercial and Mixed-Use Districts chapter has been renamed to Mixed-Use

Districts, with the Table of Allowable Uses (Table 1005-1) also being amended to reflect this change and the consolidation of certain districts as follows:
  - NB renamed to MU-1
  - CMU-1 renamed to MU-2A
  - CMU-2, 3, & 4 consolidated and renamed to MU-2B
  - CB renamed to MU-3
  - RB-1 & 2 consolidated and renamed to MU-4
- Regulating Maps have been added for: Rosedale Square, HarMar Mall, and Hamline Shopping Center.
- The maximum building height for MU-3 (formerly CB) has been increased by 5' from 40' to 45'.
- A conditional use has been added to allow for a building height taller than 65' in the MU-4 district (formerly RB).
- Under the Employment Districts Chapter, the O/BP district has been renamed to E-1 and the O/BP-1 district has been renamed to E-2.
- The existing Employment Districts Table of Allowable Uses (Table 1006-1) is also being amended to reflect this change, as well as a technical amendment to clarify uses in the E-2 District.
- The Improvement Area maximum was decreased by 10%, from 85% to 75% for the E-1 district to align with the "intensity" standard in Table 4-3 of the Comprehensive Plan.
- A new overlay district titled Bus Rapid Transit (BRT) Overlay has been added to reflect the requirement for said district within the Comprehensive Plan. This overlay is limited to the HDR, MU-1, MU-2A, MU-2B, MU-3 and MU-4 districts only. The district also requires a Pedestrian and Bicycle Facilities Plan for redevelopment of properties within the overlay.

The Planning Commission held the required public hearing on August 4, 2021. The public hearing notice was mailed to over 2,100 property owners and published notice was provided in the official City newspaper over ten days in advance of the scheduled hearing date. The public hearing was also promoted via the City website, City e-news, and various social media platforms, including Facebook and Next Door.

Several members of the public provided testimony at the public hearing. Public comments included:

- Support for the Zoning Map change for 1700 Hamline Ave. (LDR to Mixed Use)
- Opposition for the Zoning Map change for 2025 County Road B (LDR to MDR)
- Support for the Zoning Map change for the properties located on the west side of Snelling Curve (MDR to LDR)
- Support for zoning text amendments aimed towards achieving greater diversity of housing types in the community
- Opposition for the Zoning Map change for 1880 Lexington Ave. (HDR to LDR)
- Screening concerns between Rose Place and the Employment-zoned properties to the north along County Road C.

Commission feedback during the hearing included:

- Past outreach efforts concerning the 2040 Comprehensive Plan
- Changes to the low density residential district are significant and there is a concern the broader public may not understand the changes

- Commission generally reaffirmed the comments they made at prior Commission meetings regarding the proposed changes

The Commission ultimately voted 6-0-1 (McGehee abstained) to approve the Zoning Map and Zoning Code text amendments as proposed by City staff, without changes. The Commission voted unanimously on two additional, but separate motions for the City Council to reconsider the Comprehensive Plan's land use guidance for 2025 County Road B and 1880 Lexington Ave., although three members of the Commission verbally expressed support for the current guidance. Staff has provided City Council meeting minutes from 2017 at Attachment H for the two prior Council discussions involving these parcels.

POLICY OBJECTIVE

Ensure compliance and consistency between the City's 2040 Comprehensive Plan and the City's Zoning Map and Zoning Code.

BUDGET IMPLICATIONS

HKGi was hired for professional services. The Professional Services Agreement, approved by the City Council on December 7, 2019, was for a total project cost of $79,000 with $1,000 of reimbursable costs, for a total of $80,000. The project is being funded by the Community Development Fund. Approximately $18,000 remains in the budget for concluding the Section One updates (required updates) and to undergo the Section Two updates (optional updates).

STAFF RECOMMENDATION

Review the proposed Zoning Map and Zoning Code text amendments. Ask questions and provide feedback to City staff, then make a motion to approve (with or without revisions) or to table action to allow additional time for discussion and revision.

REQUESTED COUNCIL ACTION

Council has two options:

1) Motion to approve the Zoning Map and Zoning Code text amendments, consistent with Attachments A – E, with our without revisions per Council direction. Council is advised action on two ordinances would be required: one for the proposed map and text amendments (Attachment E) and one for a summary publication (Attachment J), or

2) Table for further discussion – if additional research or revisions are requested, those should be articulated for City staff and HKGi. Given this is a City-initiated request, there are no mandatory review periods for City action.

Prepared by: Janice Gundlach, Community Development Director, 651-792-7071

Attachments:
- A. Renamed Residential Districts Map
- B. Renamed Non-Residential Districts Map
- C. BRT Overlay Map
- D. Site Specific Rezonings Map
- E. Ordinance: Zoning Code Text Amendments
- F. Public Comments
- G. Planning Commission meeting minutes
- H. City Council meeting minutes regarding land use changes (year 2017)
- I. Presentation Slides
- J. Ordinance Summary

Draft meeting minutes from City Council meeting of October 18, 2021

a. **Consider and Ordinance Approving Zoning Map and Zoning Text Amendments to Align with the City's 2040 Comprehensive Plan**
Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request for Council Action and related attachments dated October 18, 2021.

Councilmember Etten asked if the Council should look at the three properties where residents had the most concern first.

Mayor Roe agreed and noted a bench handout that talked about the historical guidance and zoning of those properties prior to the 2030 Comprehensive Plan, as a result of the 2030 Comprehensive Plan, as a result of the 2040 Comprehensive Plan, and zoning being looked at now as a part of this process. He reviewed the history of the properties.

Mayor Roe asked for feedback and discussion on 2025 County Road B, Snelling Curve properties, and 1880 Lexington Avenue.

Councilmember Etten understood most people were at the meeting for the 2025 County Road B property and would like to hear from them.

Mayor Roe indicated the summary comments the Council heard before were that the residents would prefer low density residential. He asked the Council if they were prepared to make a change from the guidance as medium density. If so, that might be a quick discussion because it would meet the satisfaction of the residents. He asked if the Council wished to reconsider the medium density guidance on that property.

Councilmember Strahan wondered, in response to the note the Council received today from the resident at Midland Grove, if the property would need to stay at medium or high density in order for these potential homeowners to be purchased out of their home. She noted if the property changes to something else and if changed to low density, that would pretty much preclude any such option for them.

Mayor Roe stated he was not sure the City was in the position where the property was going to be acquired and doing development of that area on its own but also, whatever project somebody might propose to do, to acquire one or both of those properties for redevelopment, will have to be guided and zoned based on the project densities at that point. If somebody wanted to consolidate the properties but only make changes on the 2025 property, once again, it still has to be guided based on what the density is going to be on that property.

Ms. Gundlach explained, regarding comments Councilmember Strahan brought up, that was received on Friday and sent to the Planning Commission, but staff included

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it as a public comment to this item because it was relating to the Zoning Map change. She indicated there is no project, there is no redevelopment project for 2025 County Road B, but the way that comment was written, it almost suggested there was one. That is where the suggestion came in to combine with the Midland Grove project. She explained staff analyzed the density of that project, the Midland Grove Condominiums, and it is seventeen units per acre. She noted the last three pages of the packet have maps relating to the three properties and she believed Midland Grove is seventeen units per acre and Medium Density Residential would be needed to achieve that high of a density. There is no City interest in participating in such a project but it was a suggestion from a resident.

Mayor Roe asked if there were any other thoughts or questions from Council in relation to 2025 County Road B and if the Council wanted to revisit the Medium Density guidance and the associated zoning.

Councilmember Groff asked what the difference would be with the Medium Density Residential Zoning and the new lower density zoning. He wondered what the difference would be in the number of units.

Ms. Gundlach explained the maximum density potential, if the LDR Zoning was left in place, would be eight units per acre, or approximately eighteen units. That is if the City left the LDR only and reguided it back to Low Density Residential. The maximum density potential under MDR, which is what the current Comprehensive Plan guidance is, would be about forty-one units. That is based on eighteen units per acre. She noted there is actually a range, and she thought a developer would need a Conditional Use to go to eighteen units per acre, whereas twelve units per acre would be inherently permitted. At twelve units per acre, twenty-seven units would inherently be permitted, and to get to forty-one units, a Conditional Use would be needed, which would require a public hearing, notification to the neighbors, etc.

Ms. Gundlach offered a clarification in the materials that staff prepared, noting staff offered a consideration of LMDR Zoning. She explained this would not require the Council to change the Comprehensive Plan because the LMDR designation is straddling LR and MR. The other important distinction is that attached housing types are not allowed in the LMDR District so the ability to achieve that maximum density by doing an apartment building goes away.

Councilmember Groff asked if LMDR would allow for twinhomes or townhomes.

Ms. Gundlach explained that attached housing types would be allowed in LMDR. It is the eight units or more that would not be allowed.

Councilmember Strahan thought LMDR was a good compromise, noting townhomes and twinhomes were often that missing middle piece. She would be

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comfortable moving this to LMDR that would not be as many homes or as much congestion as previously considered, but not a change in the Comprehensive Plan.

Councilmember Etten agreed with Councilmember Strahan and thought that might be a nice balance between this and the higher density to the north.

Public Comment

Mayor Roe offered an opportunity for public comment on the 2025 County Road B property.

Mr. Mark Germscheid, Midland Grove Condominiums
Mr. Germscheid explained they were in favor of maintaining the LDR Zoning which would require the City Council to update the 2040 Comprehensive Plan. He noted the last time this was presented, the owner of the property was at the meeting and indicated a preference for MDR Zoning because he was interested in putting more than eighteen units in. He explained that the safety of the Cleveland/County Road B intersection is important to them. When he hears the positive comments about putting more people there, that is actually going to increase the issues at that intersection. Understanding, if that intersection was evaluated and something could be done about it in association with any development plan for 2025, the condominium residents would definitely be in favor of that. He thought to be responsible, the City should understand its financial obligations and if that site was developed, to maintain safety. The other issue is the water. They would recommend the Rice Creek Watershed District look at and study that water and potential effect that development in the area is going to have on their property. He thought to be fair to the current owner, before development, the current owner should understand the expenses he will bear when development takes place. For those reasons, the Condominium residents would be in favor of those studies, supporting the City Council in maintaining the current zoning recommendation, and updating the 2040 Comprehensive Plan.

Mr. Charles Lemaire, 3035 Rice Street
Mr. Lemaire requested the Council put together a proposed zoning map for the entire City which would show these changes, noting the zoning map, when he bought his house, was already out of date. He stated there is no way for the public to see these possible changes to a property they might purchase. The current zoning map has LDR1 and LDR2 still instead of LDR and LMDR and it would help the public to have the current zoning map available online and the proposed zoning map that is under consideration as possible future changes so that the public has some transparency to changes like this.

Mr. Steve Enzler, 1995 West County Road B
Mr. Enzler explained they live next door and appreciate the concern and candor of the neighbors, the builder, and the Council. He stated there are a couple of options, the first is by keeping it as MDR, and with the topography, what the City will get

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is an apartment building. Logically, to get that density this is really what could be built. If they want, as neighbors, to have more flexibility about what goes there, the City has to take some action against how the City changed what can be built there and still meet the City's objective to have more creative use of land. He thought the new LDR does that, made sense, and MDR could potentially be an option with both providing a level of control. He preferred LDR but could see how the logic of LMDR might work as long as there are controls in place.

Ms. Pat Kelly, Midland Grove Condominiums
Ms. Kelly explained she is speaking only for herself. She thanked the Planning Commission for the work they have done in the last meeting to come up with a solution in the gap between the original proposal and what the residents of Midland Grove favor. She noted that regardless of what the zoning letters are, it all depends on how well that contractor follows up on what he says he is going to do and how much attention the City has on what they are doing. She urged the Council to allow homeowners around that property to have as much information and opportunity for comment on what the proposal is going to be and not let this little parcel slip under the cracks of public notification.

Ms. Amy Krentzman, Midland Grove Condominiums
Ms. Krentzman stated her unit looks to the south over the parcel of land being discussed. She wanted to make an argument in the strongest possible terms for LDR. She wanted to look out her window, see the beautiful trees, and does not want to look at pavement, cars, and a lot of people coming and going. She strongly urged the Council to change the designation back to LDR for the purposes of quality of life and beauty.

Mr. Mark Germscheid
Mr. Germscheid explained the missing middle conversation is something that is prevalent in the 2040 Comprehensive Plan and talks in a number of places about why some zoning changes are happening to accommodate missing middle and to create a middle that is now missing. He noted the Midland Grove property is not listed as one that is affected by that, it is listed as "other zoning recommendations" that did not have any particular reason behind it.

Mr. Nick Walsh, Midland Grove Condominium owner
Mr. Walsh explained his residence looked to the south and any decision the Council makes is going to directly impact him regarding a number of features. Anything that happens there will directly affect his view. He did not think anybody at Midland Grove was against any sort of development but he would implore the Council to think about that, noting one thing he has not heard, is that there are very few pieces of property left in Roseville, or frankly, in the Metro that are as pristine as this particular piece of land. His primary concern is not that it will be developed at some point or that something will not go there because it certainly will. It is valuable property that could be highly sought, but as the Council finishes this plan, he certainly hoped it would once again end up in the LDR category.

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Mayor Roe closed public comment for the property at 2025 County Road B.

Mayor Roe stated he would imagine that given the potential density of whatever might be done there, the City would need a traffic study, unless it is not something to the level that requires one. He indicated nothing could be done on site without all of the stormwater permitting both from the City and the Rice Creek Watershed District and one of the standards is to not increase the flow off the property onto other properties. That is something the City will be watching closely as a part of that process. He noted the zoning map for the entire City is available as part of this agenda item, in the packet from September, and on the City's Zoning Code Update website.

Etten moved, Roe seconded, making the Zoning LMDR for 2025 County Road B.

Council Discussion

Councilmember Etten felt this pulled in some of what the neighbors want and reflects some of the needs the City has for housing in the community. He thought LMDR is the middle ground that fits in there.

Councilmember Groff also thought this was a middle ground, noting the Council has reviewed all of this and there are safeguards in place, which Mayor Roe mentioned. The Rice Creek Watershed District will review this, water will not run onto adjoining properties, and trees will need to be removed when developed. The City will not be able to take that piece of land for parkland or anything like that in Roseville because of the financial part of that.

Councilmember Strahan stated she can support Councilmember Etten's recommendation. She wanted to echo Councilmember Groff's indication about the land being developed and possibly every tree being removed but the City cannot do anything about that.

The Council discussed with staff the City Tree Preservation Ordinance.

Mayor Roe indicated he was in favor of changing this to LMDR.

Roll Call
Ayes: Strahan, Groff, Etten, and Roe.
Nays: None

Mayor Roe asked the Council for comments or discussion on the Snelling Curve and the 1880 Lexington Avenue properties.

Councilmember Etten explained he would leave the property on Snelling Curve as LDR because of the underlying Comprehensive Plan designation. He noted they

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cannot get higher than eight units per acre if LMDR was the designation. He suggested this be left as the Comprehensive Plan has guided it. He noted with the 1880 Lexington Avenue property, because it is on a high capacity County road and abutting some high density, MDR might be a better fit.

Mayor Roe thought one of the reasons the Council went to LDR in low density residential guidance was to let whatever might come forward on that site dictate what zoning gets requested and considered by the City. That is an option as well. He indicated he was torn as to which way that one should go.

Councilmember Groff asked if a developer came forward with a proposal on that property, what would be the process for them if it was not zoned right at that time.

Mayor Roe explained if a developer came forward with a plan for the 1880 Lexington Avenue property and wanted to put in an apartment building with the number of units per acre into the HDR category, the developer would have to request both a Comprehensive Plan change as well as a zoning change.

Councilmember Strahan explained she was comfortable with keeping the Snelling Curve property LDR as suggested. She personally is more apt to keep the LDR on the 1880 Lexington Avenue property because of how it feeds out onto the County road. She did not think this was a well-constructed intersection and was against this being HDR.

Mayor Roe stated at this point, given a lack of a specific proposal and the logic that the Council used to designate it in the Comprehensive Plan process, he would be comfortable leaving the zoning as LDR at this time. Regarding the Snelling Curve property, he concurred with the logic of Councilmember Etten, noting he was one who supported medium density up until the point when conversations started about access. That is what raised his concern with a large number of units crammed in without great access in and out of there. He was comfortable with leaving both properties as LDR.

Councilmember Etten explained part of the idea of a Comprehensive Plan is that it thinks what the City really wants and needs and that is why he likes MDR. He was looking at a street level view with two apartments, three story apartments next to it, and directly across the street there is a street they could almost tie the roads into and create an intersection. He stated he gets the point but aspirational, this is what the City says it needs since it is on a major County road next to apartment buildings.

Mayor Roe understood and thought perhaps the property owner has some aspirations for more density on that site. He thought whatever is put there, even single family, there might only be a single access onto the County road because it serves the development and that is most likely all the County will allow for access onto the County road.

DRAFT

Councilmember Strahan believed the owner, at some point, had mentioned they had acquired an adjacent property. She wondered, as far as their aspirational plans, if the City were to keep that at a higher density level, they would be adding a significant density to that area and if that impacts the Council's decision in one way or another, she was not sure.

Strahan moved, Groff seconded, changing the planned rezoning as a part of the Comprehensive Plan matching process of 1880 Lexington Avenue as LMDR.

Council Discussion

Councilmember Strahan thought tonight has been about compromise and she believed this was a suitable compromise.

Councilmember Groff stated this is a place they can start from, noting the City has hard large building constructed in the recent past and he felt residents would like a little hold back from more apartment buildings.

Roll Call
Ayes: Strahan, Groff, Etten, and Roe.
Nays: None

Mayor Roe did not think there was a desire from the City Council to make a change on Snelling Curve.

Recess
Mayor Roe recessed the meeting at approximately 8:12 p.m., and reconvened at approximately 8:19 p.m.

Discussion moved on to the technical, detailed section of the Code.

Mayor Roe indicated he would like to see MDR put back into the Zoning Code to be adjacent to HDR to trigger the setback requirement.

Councilmembers Groff and Strahan concurred.

Councilmember Etten asked how this would work for other zoning areas where the City is allowing housing in some different areas where the City didn't used to. He asked if this should be consistent in the City Code.

Thomas Paschke explained that is not necessarily the case. In the zoning code, the height of a building could be an office building, mixed use building, or an apartment building. It does not necessarily limit the type of use or restrict the type of use.

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Mayor Roe thought in the language in the various mixed-use categories, the dimensional standards, pretty much across all the categories, say that if adjacent to LDR, the fifty percent or twenty-foot setback kicks in. He indicated looking at the MU-3 and MU-4 categories, he thought it was in the original code and is carrying forward.

Ms. Gundlach indicated that was correct. She noted where staff increased the height was in the core mixed use district, and they required a conditional use to go along with the increased height so the City can address those type of issues through that process.

The Council discussed the table of allowed uses.

Councilmember Etten explained the table of allowed uses, starting on 1598, this is in MU Districts, table 1005-1, looking at the lodging, hotel/motel. What they currently have in the CMU's, 1-4, lodging is permitted in 4 and was not allowed in any of the others. Now it is conditional in what would have been 2-4 but was not permitted previously in those areas.

Mayor Roe preferred conditional to permitted. He did not know if they should go all the way to not permitted but conditional gives the Council discretion in those situations.

The Council concurred.

Councilmember Etten indicated in the retail area, retail large format is permitted in MU-1, which surprises him. He is thinking of the neighborhood businesses there right now and he would not want to think of a retail large format in there. He would like to see that as not permitted because he did not see how that would work there.

The Council concurred.

Councilmember Etten explained on Dwelling, one family detached, shows it as being permitted in neighborhood business.

Mr. Paschke indicated that was correct.

Councilmember Etten asked if the Council wanted single family homes in the neighborhood business area because he thought there should be more density in that area or properties that are generating business rather than single family homes.

Ms. Gundlach indicated that can be changed if the Council did not want it permitted there.

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The Council concurred to have it not permitted in the MU-1.

Councilmember Etten explained in the same row, one family detached is conditional in MU-2A, which is such a small area and then on the next page, half the way down, dwelling unit accessory is permitted.

Mr. Paschke explained that was correct.

Ms. Gundlach indicated the Accessory Dwelling Unit would come after the principal dwelling so it would be permitted because an ADU is not allowed without a principal dwelling.

Councilmember Etten explained limited production and processing accessory is permitted everywhere except in MU-2A. He thought that would be fine to allow this in the MU-2A.

The Council concurred.

Councilmember Etten explained on the last page of the tables, under tennis and other recreation courts, these were conditional in what is proposed for MU-1, neighborhood business and it was conditional in MU-2A but is now permitted.

Ms. Gundlach noted the current code has those as conditional in neighborhood business and staff did change that to permitted.

Mayor Roe indicated this is permitted across the board in all of the CMU districts.

Mr. Paschke thought that was why staff made the change.

Councilmember Etten asked if there were standards for those.

Mr. Paschke believed there were.

Councilmember Etten explained the chance of this happening is slim but even when the City talks about where to add pickleball courts, the noise and lighting comes into discussion with the neighbors and these are areas that would be directly adjacent to single family neighborhoods, which is why he brought it up.

Ms. Gundlach explained the City is seeing multi-family developments install recreational courts, whether it is basketball, pickleball, or tennis. Those are becoming a common amenity that these multi-family projects are implementing.

Councilmember Etten indicated for the MU-1 and MU-2A districts, he felt great about conditional use for these.

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Ms. Gundlach thought the courts were permitted in the residential districts under today's code. She indicated the HDR properties are more typical with suburban style development, closer to residential, where it might be conditional, even though right now they are permitted.

Mayor Roe thought it might make sense to leave it as is and review this as a follow up to look at the standards on these.

Councilmember Etten agreed and explained he would like to codify the height limit around the pink buffer on the west and south sides of Langton Lake.

Mr. Paschke suggested doing this later because there might be some things that are not codified that were done in 2014 and relate to the regulating maps embedded in the Code. This could be refreshed to include some other items.

Councilmember Etten indicated he would like to have discussion on the pink buffer in the future.

Mayor Roe noted in the employment and industrial districts, retail not listed as large format is in some cases permitted or a conditional use. He did not know if they had a desire to put large retail format in those districts.

Ms. Paschke thought in both of those districts, it is only allowed at twenty-five percent of the building and that is where the limitation is.

Staff indicated the suggested changes will be made and brought back to the Council for further discussion and approval.

DRAFT

ROSEVILLE

REQUEST FOR COUNCIL ACTION

Date: October 18, 2021
Item No.: 7.d

Department Approval | City Manager Approval

Janice Gundlach

Item Description: Consider an Ordinance approving Zoning Map and Zoning Code text amendments to align with the City's 2040 Comprehensive Plan

BACKGROUND

On September 13, 2021 the City Council began its review of the proposed Zoning Map and Zoning Code text amendments, which aim to align the City's Zoning Code with its 2040 Comprehensive Plan. The City Council tabled action and directed staff to address a number of questions and/or concerns. Meeting minutes are provided as Attachment G. The purpose of this Request for Council Action (RCA) is to provide follow-up information based upon questions and/or concerns from the September 13th discussion. Those items are outlined below (in *italics*), with staff responses:

- *Revise the draft ordinance to include the Zoning Code in its entirety, instead of only including the sections that are proposed for amendment*: Done – the updated ordinance is provided as Attachment A. By inserting the full Zoning Code, the proposed ordinance has grown from 34 pages to 259. Please note, proposed amendments are depicted in ~~strikethrough~~ (language proposed for deletion) and <u>underline</u> (language proposed for insertion) format.
- *Assertion that the introduction of duplex/twinhome housing types into LDR equates to a "doubling" of density in that district – could an alternative solution be to increase the acreage of LMDR-zoned property:*
    - The Comprehensive Plan provides for a density range under the LR land use designation of 1.5 units/acre – 8 units/acre, which equates to an average density of 4.75 units/acre. Staff calculated the realized residential density throughout the City's current LDR-1 and LDR-2 districts, finding it to be 2.9 units/acre, which falls short of the Comprehensive Plan's LR average density. If the Council opted to leave the LDR-1 standards unchanged, but still wanted to create opportunities to approach the average LR density of 4.75 units/acre, staff's analysis suggests the City would have to rezone approximately 574 acres of land to LMDR, which is more than triple the acreage of LDR-2 zoned land today. This 574 acre figure assumes the LDR-1 land and LDR-2 land is/was developed in accordance with the maximum allowed density range of 4 units/acre and 8 units/acre respectively. This obviously is not realistic.
    - The density impact was discussed as a part of the Missing Middle Housing panel conducted by Nine North on September 15th, which can be viewed online. The experts that participated on this panel indicated the practical result of adding the duplex housing type into low density districts results in something deemed "gentle density". This determination is based on what communities have experienced in terms of housing unit growth, by the introduction of Accessory Dwelling Units (ADUs). ADUs are deemed

most similar to the duplex housing type as they are already allowed/established within single family neighborhoods. Roseville has only seen a total 6 ADUs in the 11 years since the Zoning Code has permitted them. Looking beyond Roseville, Portland is seen as having a very strong ADU policy relative to other US cities, where they've seen about 2% of homes add an ADU over a span of 15 years. This is less than one additional unit per block. Applying the aggressive Portland model to Roseville would equate to an increase of 171 housing units by the addition of the duplex housing type in the LDR district (8,549 SF housing units x 2% = 170.98) over the same 15 years. In Minneapolis, ADUs have been permitted since 2015, and as of 2019, 137 ADUs have been permitted, equating to about 0.2% of single family lots. Further, Minneapolis amended their Zoning Code in 2018 to allow 2 & 3 family housing types throughout their single family districts, which has not created any meaningful density uptick yet (approximately 23 building permits have been granted for these housing types). As of May 2019, St. Paul has added 4 ADUs following Zoning Code changes to allow them in 2016.

- There are also practical impacts that limit density upticks by introducing 2 family housing types (duplex or ADU) into already established single family residential neighborhoods, including:
  - Compliance with the Building Code. This includes common wall construction and separate utilities. Complying with these regulations can be difficult, costly, and sometimes structurally impossible in terms of converting an existing single family home. It's not unusual for an ADU to cost upwards of $160,000 or more, with duplexes/twinhomes exceeding twice that cost.
  - The market demands single family homes and the list price for these homes reflects that demand. So, it's unlikely a surge to acquire single family homes, en masse, to demolish and replace with duplexes would make financial sense.
- If the impacts of adding the duplex/twinhome housing types are inconsequential from a density perspective, or affordability cannot be guaranteed, why should the City consider this change? Where can the City expect construction of these units instead of single family homes?
  - 2 family housing types are cheaper and more sustainable to build. While cities can't control housing prices, the types of housing units allowed is something that can be controlled through zoning. If the City is interested in creating more opportunities for missing middle housing types, expanding the use of duplexes/twinhomes and courtyard cottages is one legislative option available.
  - Our current built landscape took decades to form. As such, minor changes aimed to increase housing for the missing middle should also be expected to take decades to form.
  - Duplex and courtyard cottage housing types are expected to be utilized for smaller, in-fill development sites, such as minor lot subdivisions or properties with challenging topography and/or properties that lack enough frontage on a public street to realize more than one single family lot.

- *Lot width for 3 & 4 family housing types and courtyard cottage housing types are inconsistent between LMDR and MDR (LMDR is less than MDR):* The previously provided ordinance noted a lot width requirement for 3-family, 4-family, attached and courtyard cottage housing types of 24' in the LMDR district but a wider 30' in the MDR district. Given LMDR is less

dense that MDR; if there were to be differing width standards one would expect the opposite. Staff has revised the lot width requirement for 3-family and 4-family housing types to be a consistent 24' across both the LMDR and MDR district. In LMDR, the lot width requirement for attached units was eliminated as these types of developments advance using the "Building Arrangement" provisions already in the code. This change makes the lot width standard for attached units in LMDR and MDR the same as the MDR district currently does not provide a lot width requirement for attached housing types. Lastly, for courtyard cottage units, the lot width requirement was eliminated as well. This is because these types of housing developments need to utilize the Building Arrangement provision in order to orient smaller homes around a common, private courtyard.

- *Front yard setback in consolidated HDR zone – are we intentionally abandoning the building-forward design (10' front yard setback verses 30' front yard setback)?* The 10' front yard setback provision only exists currently in the HDR-2 district. Because the HDR-1 and HDR-2 districts are being consolidated into a single HDR district, the 30' front yard setback was preserved. While there wasn't a conscious discussion to eliminate the building-forward preference that comes with 10' front yard setbacks, the practical reality is that HDR property throughout Roseville has developed more consistent with suburban standards, or larger front yards, which is why the 30' setback was preserved. The building-forward preferences remain in the mixed-use districts. Further, the variance process could be utilized to allow a reduced setback if the applicant demonstrates a practical difficulty from complying with the 30' requirement. Regardless, staff does not have a specific preference for 30' or 10' and would take direction from Council.

- *Minimum side yard building setback in the HDR district, adjacent to LDR and LMDR – proposed step-back standard and 50% of building height standard – Council wasn't sure that elimination of the 50% of building height standard was appropriate*: Staff agrees with Council and has left a modified version of the 50% of building height standard in the code, in addition to the step-back. Staff evaluated several HDR buildings and what their setbacks would be based on their height. Staff determined the 50% of building height standard remained relevant if the building exceeded 45' in height. Staff also recommends keeping the step-back standard, as this was created to address a specific concern voiced as a part of the public engagement sessions held this past Spring. During these sessions, residents wanted to reduce the impact of a building façade at the property line (or close to it), in preference of something more pedestrian-scale. The step-back introduces an architectural requirement aimed to reduce the negative impact that could result by a tall wall adjacent to lower density residential uses. If a developer opts out of the step-back by moving the entire building the additional 8' back (instead of just floors 3 and above), this would be in addition to whatever setback results from the "20', otherwise 50% of building height for buildings over 45'", requirement.

- *Table of Allowed Uses (1005-1) – review NP/P/C designations for these uses: one-family attached units, more than 8 units per building, brewery, lodging, add "large format retail" use, community center/library/municipal building, limited production and processing, and communication equipment. Generally address formatting issues and review all uses for inconsistencies resulting from the consolidation.* Staff reviewed the Table of Allowable Uses (Table 1005-1) and made revisions to the uses questioned by Council. Staff also completed some minor reorganization of the listed uses by moving some accessory uses out of the principal use section, into the Accessory Uses section. Staff also re-reviewed the full list of uses, in terms of NP/P/C and made a few minor revisions to ensure the intent of the consolidation made sense. Minor formatting problems, resulting from combining two Table of Allowed Uses (Table 1005-5 was combined with Table 1005-1), were corrected as well.

- *Section 1011.11.E.12 (student housing, new construction) – do these building height and setback standards still make sense given the proposed changes to the building height and setback standards in the consolidated HDR district?* Yes, these building height and setback standards still make sense and no changes are needed to this section. The intent with this section is to provide a more-restrictive standard for student housing, which the proposed amendments do not intend to change.
- *Density concerns regarding three of the site-specific rezonings at 2025 County Road B, unaddressed properties on Snelling Curve, and 1880 Lexington Avenue.* Given these three sites seemed to create the most concern in regards to the Zoning Map amendments, per Council's request, staff examined existing densities surrounding the sites and what densities might be realized based on the proposed Zoning Code text amendments. **It is important to understand these summaries are gross densities, which are far higher than realized densities given the need for roads, stormwater ponds, etc.** This information is provided graphically as Attachments I – K. The below summarizes the **maximum** density potential:
    - 2025 County Road B (2.3 acres)
        - Actual surrounding densities: north = 17 units/acre, east = 4 units/acre
        - Maximum density potential under MDR zoning – current Comprehensive Plan guidance = 18 units/acre = 41 units (18 units/acre would require a CU, whereas 12 units/acre, or 27 units, would be inherently permitted)
        - Maximum density potential under LDR zoning (current zoning) = 8 units/acre = 18 units
        - Consideration – if Council wishes to revisit MDR zoning on this parcel, the property could be rezoned to LMDR, which wouldn't require a Comprehensive Plan change given LMDR zoning is intended to reflect either LR or MR guidance in the Comprehensive Plan. LMDR zoning would yield a maximum density of 27 units (12 units/acre).
    - Snelling Curve properties (6 acres)
        - Actual surrounding densities: south/southeast = 2.4 units/acre, east = 17.6 units/acre
        - Maximum density potential under LDR zoning – current Comprehensive Plan guidance = 8 units/acre = 48 units
        - Maximum density potential under MDR (current zoning) = 12 – 18 units/acre = 72 – 108 units (72 inherently permitted, 73 – 108 with a conditional use)
        - Consideration – if Council wishes to revisit LDR zoning on this parcel, the property could be rezoned to LMDR, which wouldn't require a Comprehensive Plan change given LMDR zoning is intended to reflect either LR or MR Comprehensive Plan guidance. LMDR zoning would yield a maximum density of 48 units (8 units/acre).
    - 1880 Lexington Avenue (1 acre)
        - Actual surrounding densities: north = 24 units/acre, east/southeast = 2.4 units/acre, west = 3.8 units/acre
        - Maximum density potential under LDR zoning – current Comprehensive Plan guidance = 8 units/acre = 8 units

- Maximum density potential under HDR zoning (current zoning) = 24+ units/acre = 24+ units (more than 24 would require a CU)
- Consideration – if Council wishes to revisit LDR zoning on this parcel, the property could be rezoned and re-guided to reflect a zoning designation that offers a density range that falls in-between LR and HR Comprehensive Plan guidance, say LMDR or MDR zoning. LMDR would yield a maximum density of 12 units and MDR would yield a maximum density of 18 units (a CU is required to go higher than 12 units).

Attachment H consists of the RCA from the September 13th meeting and discussion. This RCA summarizes all the Zoning Map and Zoning Code text amendments (unless otherwise revised per Attachment A), as well as outlining the Planning Commission's recommendation and a summary of comments received from the public. The attachments from the September 13th RCA have not been provided, although they can still be viewed through the Agenda Center online via the City website. Beyond the public comments attached to the September 13th RCA, to date, staff has not received any additional public comments.

Staff, and our consultant HKGi, will be available to address any additional questions or concerns.

POLICY OBJECTIVE

Ensure compliance and consistency between the City's 2040 Comprehensive Plan and the City's Zoning Map and Zoning Code.

BUDGET IMPLICATIONS

HKGi was hired for professional services. The Professional Services Agreement, approved by the City Council on December 7, 2019, was for a total project cost of $79,000 with $1,000 of reimbursable costs, for a total of $80,000. The project is being funded by the Community Development Fund. Approximately, $15,000 remains in the budget for concluding the Section One updates (required updates) and to undergo the Section Two updates (optional updates).

STAFF RECOMMENDATION

Review the proposed Zoning Map and Zoning Code text amendments. Ask questions and provide feedback to City staff, then make a motion to approve (with or without revisions) or to table action to allow additional time for discussion and revision.

REQUESTED COUNCIL ACTION

Council has two options:

1) Motion to approve the Zoning Map and Zoning Code text amendments, consistent with Attachments A – F, with or without revisions per Council direction. Council is advised action on two ordinances would be required: one for the proposed map and text amendments (Attachment A) and one for a summary publication (Attachment F), or
2) Table for further discussion – if additional research or revisions are requested, those should be articulated for City staff and HKGi. Given this is a City-initiated request, there are no mandatory review periods for City action.

Prepared by: Janice Gundlach, Community Development Director

Attachments:

A: Proposed Ordinance: Zoning Code Text Amendments
B: Renamed Residential Districts Map
C: Renamed Non-Residential Districts Map
D: BRT Overlay Map
E: Site Specific Rezonings Map
F: Ordinance summary
G: 9/13/2021 CC meeting minutes
H: 9/13/2021 Request for Council Action
I: 2025 County Road B map
J: Snelling Curve map
K: 1880 Lexington Avenue map