

Chapter 200: Development Regulations

201 Purpose and Intent

201.010 Title

This Chapter shall be known as, referred to and cited as the "Development Ordinance of the City of Shoreview, Minnesota" and is hereinafter referred to as the "Development Ordinance."

201.020 Authority

201.021 Purpose and Intent

The City's Development Regulations are adopted to protect and promote the public health, safety and welfare of its residents and are intended to implement the policies of the City's Comprehensive Guide Plan and are intended to help achieve the following objectives:

- (A) To maintain the high quality of life within the community by promoting investment and re-investment in the community.
- (B) To provide opportunities for reuse, reinvestment and redevelopment that increases the City's housing choice, employment and service base.
- (C) To preserve and protect the City's natural resources through standards which promote sustainable land use and development.
- (D) To stabilize and improve existing land uses, commercial and business centers, neighborhoods, and property values by minimizing conflicts, harmonious influences and harmful intrusion.
- (E) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial for the City as a whole.
- (F) To balance the demand for support services with the ability of the City to efficiently utilize and/or expand the existing utilities, streets, etc.
- (G) To establish development patterns which encourage suitable density transitions from the less intense areas to those of higher intensity To protect all districts from excessive noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.
- (H) To provide for adequate light, pure air, safety, from fire and other danger.

201.022 Interpretation and Intent

In their interpretation and application, the provisions of this Development Ordinance shall be held to be the minimum requirements adopted for the

promotion of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, prevent undue concentration of population, provide ample parking facilities, regulate the location and operation of businesses, industries, dwellings and buildings for other specified purposes, preserve property values by providing for orderly and compatible development of the various land uses, provide for administration of this ordinance, provide for amendments hereto, and provide for official recording of this ordinance and all amendments hereto.

201.023 Enforcement and Penalty

This ordinance shall be administered and enforced by the City Manager and/or his/her designee. The City Manager may institute, in the name of the City of Shoreview, all appropriate actions or proceedings against violators as provided by law. Any person, firm or corporation, who violates or refuses to comply with any of the provisions of this Development Ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

201.030 Interpretation

201.031 Repeal, Effective Date, and Transition Standards

The provisions of the Development Regulations shall apply to all Land Use and Subdivision Applications and Permits filed on or after _____. Plans on file before _____ shall be reviewed in compliance with the regulations in effect at the time of filing.

201.032 Use of Graphics, Illustrations, Figures, Photos, and Cross-References

- (A) Graphics, illustrations, figures, and photos are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure, or photo the text shall control.
- (B) In some instances, cross-references between parts, sections, and subsections are provided that include the part, section or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

201.033 Abrogation and Greater Restrictions

It is not intended by this code 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. In the event inconsistencies are found within this ordinance, the more restrictive shall apply.

201.034 Separability

If any part of this ordinance is held to be unconstitutional or otherwise illegal, the remainder of this ordinance shall be deemed and held to be valid and remain in force and effect as if such portion had not been included herein. If this ordinance or any provision herein is held to be inapplicable to any person, property or work, such holding shall not affect the applicability hereof to any other person's property or work.

202 Definitions

202.010 Definitions

202.011 General Provisions

- (A) Unless specifically defined below, or as in **Section 205.052** pertaining to Floodplain Management or in **Division 208.020** pertaining to Signs, words or phrases used in the City of Shoreview Code of Ordinances shall be interpreted so as to give them the same meaning as they have in common usage and so as to give subject code its most reasonable application.
- (B) Unless otherwise specifically indicated, list of items or examples that use terms such as including, such as, or similar language are intended to provide examples and not to be exhaustive lists of all possibilities.
- (C) Whenever a reference is made to an ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such unless otherwise expressly stated.
- (D) Words and phrases not otherwise defined shall be construed according to the common and approved usage of American English.

202.012 General Definitions

(A) A

(1) Accessory Building

An attached or detached subordinate building, or a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises, with the exception of enclosed porches. Examples include, but are not limited to, garages, storage sheds and gazebos.

(2) Accessory Structure

A subordinate structure, or a portion of the main structure, the use of which is incidental to that of the main structure or to the use of the premises. Examples include, but are not limited to – deck, fencing, and landscape features such as a pergola.

(3) Accessory Building, Attached

An accessory structure that has a contiguous foundation, roof, floor or wall system connected to the main building.

(4) Accessory Building, Detached

An accessory structure that is separated from the principal structure by at least 6 feet with no connecting structures except for at-grade sidewalks or pathways.

(5) Accessory Building, Water-Oriented

A small, above-ground building or structure which because of its relationship to the use and enjoyment of a public water, is permitted to be located closer to the water than the required structure setback.

Examples of such structures include boathouses, storage sheds, patios, screen porches/gazebos, and detached decks. Stairways, fences, retaining walls, docks and dock sections, and boatlifts are not included in this definition.

(6) All-Terrain Vehicle

A motorized floatation-tired vehicle of not less than three low-pressure tires, but no more than six tires, that is limited in engine displacement of not less than 800 cubic centimeters and a total dry weight less than 600 pounds.

(7) Alley

A minor way providing secondary vehicular access to the side or rear of two or more properties abutting on a street.

(8) Animal, Domestic

Animals kept within the home as pets, such as fish, dogs, cats, household birds, and similar animals.

(9) Animal, Non-Domestic

Animals which are kept outside the home for purposes of food or pleasure such as cattle, hogs, horses, bees, sheep, goats, llamas, chickens (*Gallus gallus domesticus*), birds, such as emus and pigeons, and similar animals.

(10) Animal, Wild

Any animal, reptile or amphibian which is of a species not usually domesticated; or of a species which, due to size, wild nature or other characteristics, may be dangerous to humans; or would ordinarily be confined in a zoo or found in the wild. The term includes but is not limited to:

(a) Animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, pheasants, and raptors such as eagles, falcons, hawks, and owls.

(b) Weasels, wild ferrets, badgers, deer and bison.

- (c) Crossbreeds of wild animals and domesticated animals such as the cross between dogs and coyotes and dogs and wolves.
 - (d) All members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, ocelots, cheetahs, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association.
 - (e) Any member of the Canidae family, such as wolves, foxes, coyotes, dingoes, and jackals, except domesticated dogs.
 - (f) Any poisonous animal such as a rattlesnake, coral snake, water moccasin, puff adder, cobra, Gila monster or golden frog.
 - (g) Any snake or reptile which by its size, vicious nature or other characteristic may be dangerous to human beings.
 - (h) Any skunk, or raccoon whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.
 - (i) Bears.
 - (j) All nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.
 - (k) Any other animal, bird, or reptile which is commonly considered wild.
- (11) Approved
As applied to material, device or method of construction, shall mean approved by the City Manager under the provisions of this Ordinance, or approved by other authority designated by law to give approval in the matter in question.
- (12) Arterial, Minor
Streets as designated in the Comprehensive Plan that are intended to connect cities with adjacent communities and the regional highway system.
- (13) Arterial, Principal
Streets as designated in the Comprehensive Plan that have regional or nationwide significance because they connect metropolitan centers with one another and connect major business concentrations to another.
- (14) Authorizing Body

The City Council, Planning Commission, Board of Adjustments and Appeals, or City Manager or authorized to grant a permit based on the provisions of this ordinance.

(15) Awning

A temporary hood or cover which projects from the wall of a building, and which can be retracted, folded or collapsed against the face of the supporting building.

(B) B

(1) Basement

Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualified as a first story as defined herein.

(2) Bed, of Lake or Stream

The land at or below the Ordinary High Water Level on water bodies defined as "protected" by the Minnesota Department of Natural Resources.

(3) Best Management Practices (BMPs)

Methods for stormwater management that minimize the amount of runoff that occurs from a site and prevents pollution from running off. These represent a combination of land use, conservation practices and management techniques that result in an acceptable level of water quality and pollution prevention consistent with the City's NPDES and Stormwater Pollution Prevention Plan (SWPPP) permits.

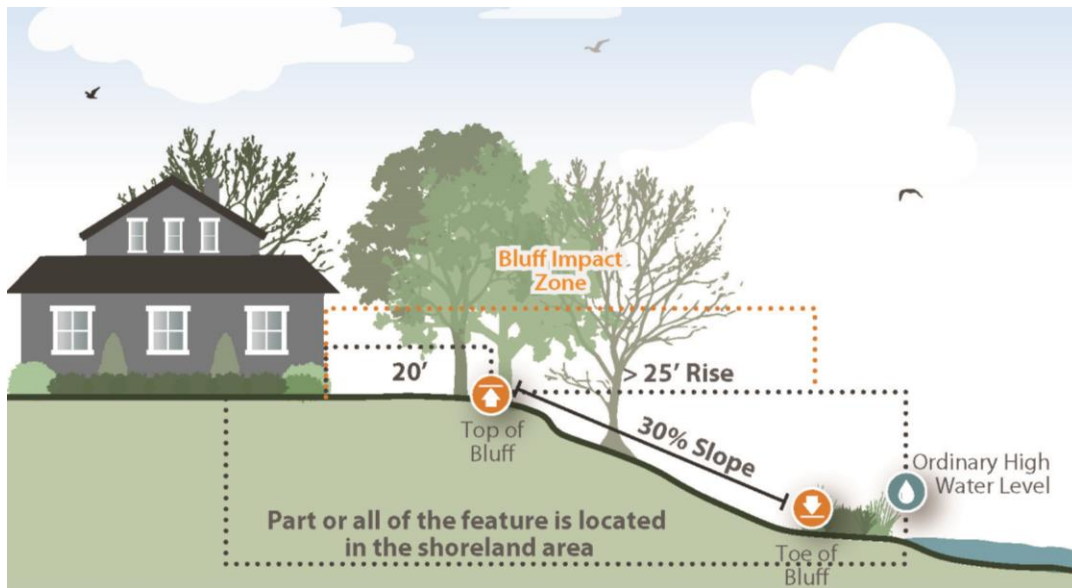
(4) Block

An area of land within a development that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake or rail line.

(5) Bluff

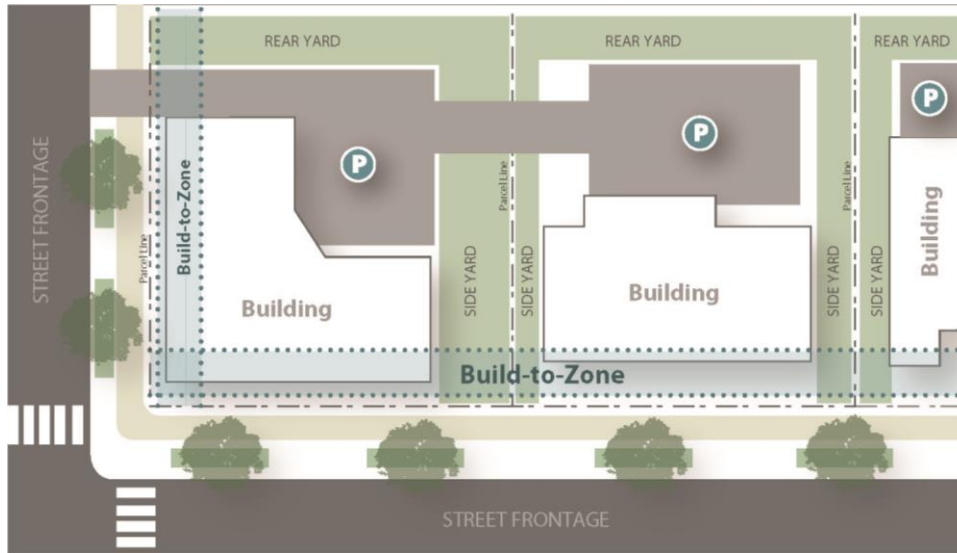
A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- (a) Part or all of the feature is located in the shoreland area;
- (b) The slope rises at least 25 feet above the ordinary high water level;
- (c) The grade of the slope from the toe of the bluff to a point 25 feet above the ordinary high water level averages 30 percent or greater; and
- (d) The slope must drain towards the water body.



- (6) Bluff Impact Zone
A bluff and the adjoining land located within 20 feet of the top of the bluff.
- (7) Boat
Any contrivance used or designed for navigation on water.
- (8) Boathouse. A structure with a foundation designed for and capable of housing a boat.
- (9) Boat Lift
A structure used to lift a boat out of the water and which may have a canopy.
- (10) Board of Adjustments and Appeals
The Planning Commission serves as the Board of Adjustments and Appeals.
- (11) Buildable Area
The area of a lot contained within the front, side and rear setbacks.
- (12) Building
Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.
- (13) Building Code
The building code of the City, including the fire code.
- (14) Building Cornice
A projecting horizontal decorative molding along the top of the principal front wall of a building.

- (15) **Building Façade**
That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
- (16) **Building Façade Articulation**
A recess or projection in the building façade that gives texture to the building surface, creates the impression that one (1) building is two (2) or more buildings, incorporates a unique building element, and improves the building's overall composition and aesthetic. Minimum requirements for a building break are a depth of two (2) feet and a width of four (4) feet.
- (17) **Building Parapet**
A low wall or protective barrier that extends vertically above the roof line of a building.
- (18) **Building Setback Line**
A line located parallel to and a specified distance from a lot line, top of bluff, or OHW level which represents the closest distance that a building/structure is permitted to be located from the lot line, top of bluff or OHW level.
- (19) **Building Stepback**
A setback of a building's upper floor(s) in order to reduce the building's bulk, articulate the base of the building, ensure a more comfortable street environment, and provide light and air at street level.
- (20) **Building Transparency**
Openings in the street-facing façade of a building that are transparent, including windows and doors, which enable increased physical and/or visual interaction between street/sidewalk/plaza activities and a building's interior uses and activities.
- (21) **Build-to Zone**
The area running the width of a lot which sets the minimum and maximum distance a structure may be placed from a lot line.



(C) C

(1) Camouflaged

Using shape, color, and texture to cause an object to appear to become part of something else. Camouflage does not mean invisible but rather appearing as part of another structure, such as a building, wall, or roof. Includes wireless telecommunication facilities disguised to appear as another structure such as a building, clock tower, chimney, church steeple, flag pole, light pole, sign, tree, or utility pole.

(2) Canopy

A roof-like structure projecting over any entrance of a store, building or place of entry.

(3) Cellar

That portion of a building having more than half of the clear floor-to-ceiling height below the average grade of the adjacent ground.

(4) City Manager

The Manager of the City as appointed by the City Council or his/her designee.

(5) Clear Cutting

The removal of an entire stand of trees.

(6) Combustible Material

Materials made of or surfaced with wood, compressed paper, plant fibers, or other materials that are capable of being ignited and burned placed in dangerous proximity to or in contact with heat-producing appliances, vent connectors, gas vents, chimneys, steam and hot water pipes, and warm air ducts.

- (7) Commercial Usage Vehicle
Vehicles and equipment designed or modified for use in any construction, demolition, or maintenance activity.
- (a) Tractors.
 - (b) All trailers or towed equipment exceeding a gross vehicle weight of 1,500 pounds but not including recreational vehicles or trailers used to transport boats, snowmobiles or ATV's.
 - (c) Snow removal vehicles and equipment and tree trimming vehicles and equipment.
 - (d) Earth moving vehicles and equipment.
 - (e) Trucks, vans and pickups with a manufacturer's nominal rated carrying capacity of more than $\frac{3}{4}$ ton and gross vehicle weight exceeding 9000 pounds.
- (8) Comprehensive Plan
The Shoreview Comprehensive Plan adopted by the City Council and subsequent amendments thereto.
- (9) Concealed, Fully Hidden from View
Refers to a wireless telecommunication facility that is not evident and is hidden or integrated into a structure such as a building, wall, or roof.
- (10) Construction Dumpster
A mobile receptacle for temporarily storing refuse debris resulting from the construction, demolition, repair or alteration of structures or buildings. Construction dumpsters are transported to the site by truck and range in size from 10 to 45 cubic yards. Bagsters, large bags that hold less than 10 cubic yards, are considered a construction dumpster.
- (11) Controlled Access/Beach Lot
A separate riparian property owned and maintained jointly by non-riparian property owners in the vicinity and used by said non-riparian owners for lake-related recreation activities.
- (12) Correlated Color Temperature (CCT)
A measure of the color of the light given off by a lamp. A lower color temperature means a warmer color. A higher color temperature means a cooler color. The CCT is often mentioned on the packaging of a lamp. It is measured in degrees Kelvin (K). The CCT is NOT a measure of how bright a lamp is.
- (13) Court
An open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

- (14) Cul-de-sac
A local street with only one outlet which is permanently terminated by a vehicular turn around.
- (15) Curb Level
The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this ordinance.
- (D) D
- (1) Deck
A horizontal, unenclosed platform, without a roof which may be attached or unattached to a structure, including any attached railings, seats, trellises, or other features not more than 36 inches above the platform, and whose platform, if attached to a dwelling, is larger than permitted for a landing, not including steps and ramps.
- (2) Density per Gross Acre
The quotient of the total number of dwelling units divided by the total area of the site.
- (3) Density, Residential
A density established within individual residential land use categories in the official Land Use Plan element of the Shoreview Comprehensive Plan.
- (4) Developer
Any person, firm, association, partnership or corporation who owns or controls land which is to be developed.
- (5) Development
The construction, installation or alteration of any structure; the extraction, clearing or other alteration of terrestrial or aquatic vegetation, land or the course current or cross section of any water body or water course; or the division of land into two or more parcels.
- (6) District
Referring to a zoning district, as defined by ordinance, it is a section of the City for which the regulations governing the height, area, use of buildings and premises are the same.
- (7) Department of Natural Resources (DNR)
The state agency which guides and controls the natural resources for Minnesota.
- (8) Double Frontage Lot

A lot which front and rear lot lines abut substantially parallel rights-of-way.

(9) Dwelling Structure

A building with one or more dwelling units thereof occupied or intended to be occupied for residential purposes, but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins, or trailer coaches.

(E) E

(1) Earth Sheltered Structure

A building with 50 percent or more of the wall area covered with a minimum depth of 12 inches of earth.

(2) Easement

A grant by an owner of land for the specific use of said land for a public or quasi-public purpose.

(3) Electric Vehicle

(a) Accessible Electric Vehicle Charging Station

An electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

(b) Battery Charging Station

An electrical component, assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

(c) Battery Electric Vehicle

Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

(d) Charging Levels. The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC are the most common charging levels, and include the following specifications:

(i) Level 1 is considered slow charging with 120v outlets.

(ii) Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.

(iii) DC is considered fast or rapid charging. Voltage is greater than 240.

(e) Electric Vehicle

A vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. “Electric vehicle” includes:

- (i) Battery electric vehicle.
 - (ii) Plug-in hybrid electric vehicle.
- (f) Electric Vehicle Charging Stations (EVCS)
A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- (g) Electric Vehicle Charging Station – Private Restricted Use
An electric vehicle charging station that is:
- (i) Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, assigned parking at multi-family residential buildings); or
 - (ii) Publicly owned and restricted (e.g., fleet parking with no access to the general public).
- (h) Electric Vehicle Charging Station – Public Use
An electric vehicle charging station that is:
- (i) Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
 - (ii) Privately owned and available to visitors of the use (e.g., shopping center parking).
- (i) Electric Vehicle Supply Equipment (EVSE)
Any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.
- (j) Electric Vehicle Infrastructure
Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- (k) Electric Vehicle Parking Space
Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- (l) Electrical Capacity
At minimum:
- (i) Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;

- (ii) Conduit from an electric panel to future EVCS location(s).
 - (m) Plug-in hybrid electric vehicle means an electric vehicle that:
 - (i) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
 - (ii) Charges its battery primarily by connecting to the grid or other off-board electrical source;
 - (iii) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
 - (iv) Has the ability to travel powered by electricity.
 - (4) Energy System, Conventional
An energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy distribution components that uses nonrenewable energy sources (such as coal, oil, natural gas and nuclear materials).
 - (5) Enforcement Officer
As designated by the City Manager, shall be responsible for enforcing the provisions of this section.
 - (6) Equipment Enclosure
A structure, shelter, cabinet, box, or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless telecommunication signals and data, including any provisions for mechanical cooling equipment, air conditions, ventilation, and/or auxiliary electric generators.
 - (7) Erosion Control
Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.
 - (8) Exterior Property Areas
Open space on the premises under the control of owners or operators of such premises.
 - (9) Extermination
The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their feed, by poison spraying, fumigating, trapping or by another recognized and legal pest elimination method.
- (F) F
- (1) Family

One or more persons related by blood, marriage or adoption, including foster children, and up to two boarders, or a group of not more than five persons (excluding servants) some or all of whom are not related by blood, marriage or adoption, living together and maintaining a common household.

(2) Final Plat

Final map, drawing, or chart on which the developer's plan of a development is presented to the City Council for approval and which, if approved, will be submitted to the County Register of Deeds.

(3) Final Stabilization

All soil disturbing activities on the site or common plan of development have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of at least 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed, and that all temporary erosion control devices are removed, including silt fence, temporary sedimentation basins, and temporary standpipes. Simply sowing grass seed and/or mulch is not considered final stabilization. Final stabilization of a "common plan of development" includes completion of building or home construction along with final restoration of all yards and adjacent drainage ways.

(4) Finished Grade

The final grade of the site that conforms to the approved plan within 0.2 feet of the approved elevations.

(5) Fire Chief

The Chief of the Fire Department serving the City of Shoreview.

(6) Fire Department

The Fire Department serving the City of Shoreview.

(7) Flood Protection Elevation, Regulatory

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 or floodway.

(8) Floor Area, Gross (GFA)

The sum of the gross horizontal areas of the several floors of a building (including cellars and basements) measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor

vehicles, or any space where the floor-to-ceiling height is less than six feet.

(9) Floor Area, Net (NFA)

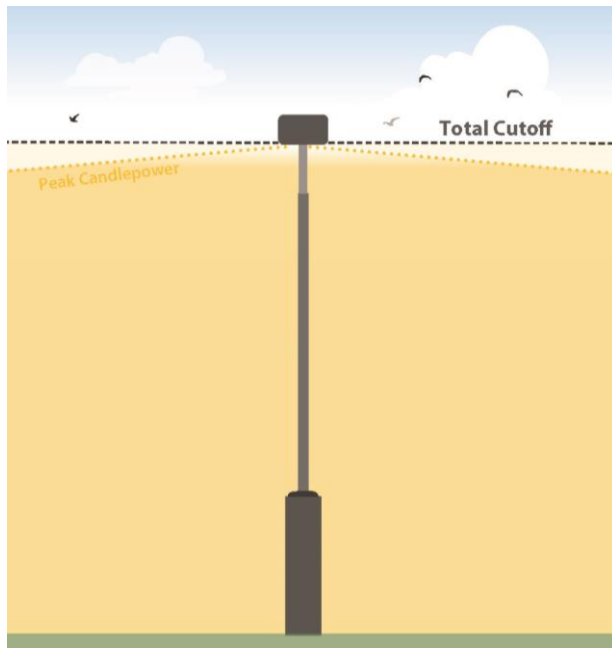
The total of all floor areas of a building, excluding stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading, restrooms and utility rooms.

(10) Foundation Area

That portion of the lot covered with roofed structures generally measured to the foundation or footings.

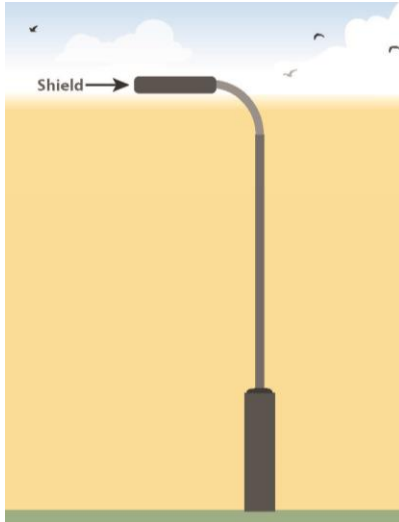
(11) Full Cutoff Luminaire

A light fixture that projects no light upward and controls glare by limiting light output between the horizontal plane and 10 degrees below the horizontal plane to less than 10% of the total light output in lumens. All full cutoff fixtures are fully shielded.



(12) Fully Shielded Luminaire

A light fixture that projects no light upward, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Fully shielded does NOT always mean full cutoff. Refer to Full Cutoff Luminaire definition.



(G) G

(1) Grade

The degree of rise or descent of a sloping surface, or, regarding signs, the elevation or level of the ground at the place the sign is to be erected.

(2) Grade, Adjacent Ground Elevation

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

(3) Grading

Any land disturbance activity and includes construction, landscaping, clearing and grubbing, excavating, transporting soil and earth material, and filling of land.

(H) H

(1) Habitable Space

Space in a structure for living, sleeping, eating or cooking. Bathroom, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

(2) Hazardous Materials

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Categories of

hazardous waste include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives.

(3) Height, Antenna or Tower

The distance measured to the highest point of the antenna or tower from the mean ground level measured at the base of a free-standing facility or the projected base as determined by extending the antenna or tower base down vertically to the ground. For building mounted antennas, height is measured to the highest point of the equipment enclosure from the top of the cornice of a flat roof, from the top line of a mansard roof, from a point on the roof directly above the highest wall of a shed roof, from the uppermost point on a round or other arch-type roof, or from the highest gable on a pitched or hip roof.

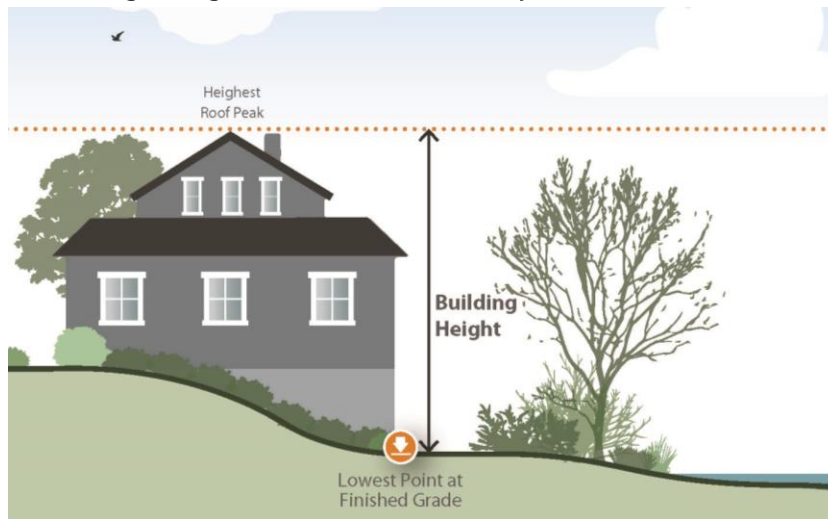
(4) Height, Building

With the exception of substandard riparian lots, building height shall be measured as follows: A distance to be measured from the mean curb level along the front lot line or from the mean ground level for all that portion of the structure having frontage on a public right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the top line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, or to the mean distance of the highest gable on a pitched or hip roof. For substandard riparian lots, building height is measured from the highest roof peak to the lowest point at finished grade. Finished grade is the final grade upon completion of construction. Grade is defined as the lowest point within 5 feet of the building in accordance with the Uniform Building Code.

Building Height, Standard Lot



Building Height, Substandard Riparian Lot



(5) Housekeeping Amendment

A proposed amendment to the Comprehensive Plan that consists of editorial changes to correct typographical errors or changes to clarify the meaning of and relationship between plan components or proposed amendments to elements of the Comprehensive Plan not required by the Minnesota Land Planning Act.

(l) l

(1) Illegal Discharge

Any non-stormwater discharge to the storm drain system or the MS4.

(2) Illicit Connections

Either of the following:

(a) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system or the MS4 including but not limited to sewage, process wastewater, wash water and any connections to the storm drain system or the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(b) Any drain or conveyance connected from any land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(3) Impervious Surface Coverage

Any surface that prevents substantial infiltration of precipitation and prohibits the growth of vegetation. Such surfaces include, but are not

limited to, driveways, parking lots, patios, roofs, sidewalks, streets, swimming pools and tennis courts. Impervious materials include asphalt; brick; concrete; crushed rock or stone; gravel; plastic; and stone. The City Manager shall determine whether any proposed surface or material is pervious or impervious. The use of the material shall be considered when making a determination of the pervious or impervious nature of any material, i.e., areas subject to repeated pedestrian and vehicular traffic become compacted and are considered impervious.

(4) Individual Sewage Treatment System

A septic tank and soil absorption system or other individual or cluster type sewage treatment system as defined in Chapter 7080 of the Minnesota Pollution Control Agency's rules.

(5) Infestation

The presence, within or contiguous to a dwelling or premises, of noxious insects, rodents, vermin or other pests.

(6) Infrastructure

The various utilities necessary for a contemporary development project, including water, sewer, streets, etc.

(7) Inoperable Vehicle

A vehicle including, but not limited to, any automobile, truck, trailer, marine craft, snowmobile, motorcycle, all terrain vehicle, mobile home, pickup camper, camping trailer, and other equipment for motorized transportation, that (i) has a missing or defective part that is necessary for the normal operation of the vehicle, (ii) is stored on blocks, jacks, or other supports, or (iii) does not display a license or displays a license that is expired. Unmounted pickup campers or vehicles which are towed shall not be deemed inoperable vehicles if they otherwise possess all parts and are capable of normal operation and display a license that is not expired.

(J) K

(1) Kennel

Any place where four (4) or more dogs over six (6) months of age are kept for private or commercial purposes.

(K) L

(1) Land Disturbance Activity

Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the

City, including construction, clearing and grubbing, grading, excavating, transporting and filling of land.

(2) Landing

A horizontal, unenclosed platform that is attached to the principal structure adjacent to an entry; that not including steps, does not exceed 5 feet in depth perpendicular to the structure or 7 feet wide; and which leads to a walkway. It may have a roof (covered landing). (Also commonly referred to as steps or a stoop.)

(3) Landmark Tree

A well-shaped, healthy tree of significant age for its species with a trunk diameter as measured four and one-half feet above the ground that meets or exceeds the following: 15 inches - Ash, Birch, Black Cherry, Cedar, Maple, Pine, Spruce, Elm, Oak, and other species; and 30 inches - Box Elder, Cottonwood, and Willow.

(4) Loading Space

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

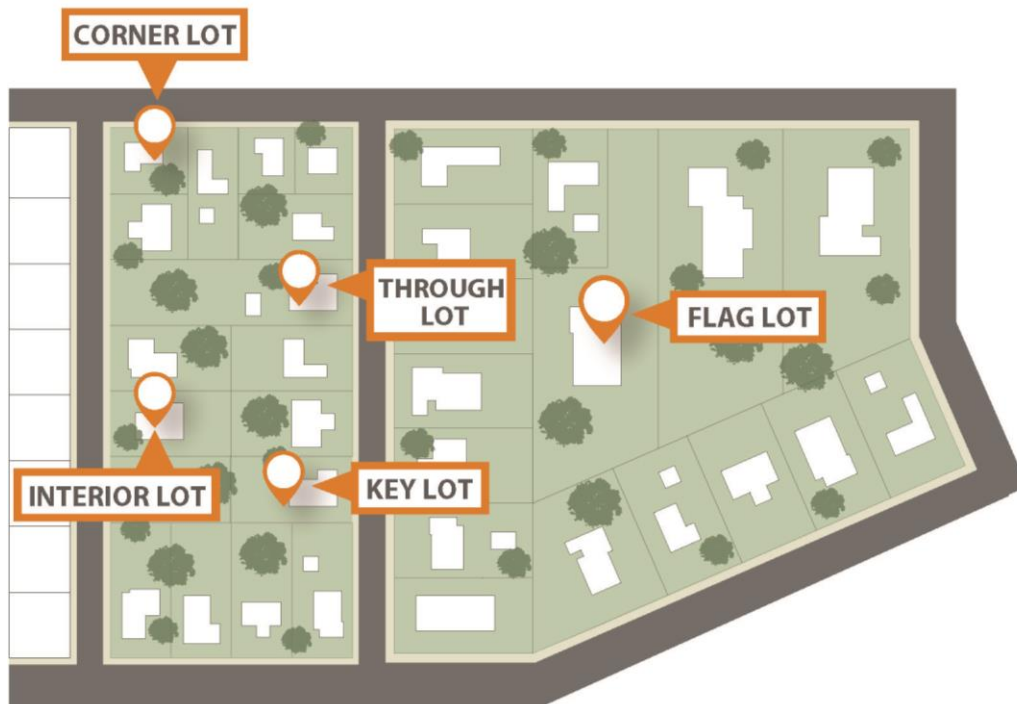
(5) Local Street

Those streets identified in the Comprehensive Plan which are of limited continuity used primarily for access to abutting properties and the local needs of the neighborhood.

(6) Lot

A parcel of land designated by metes and bounds, registered land survey, or other accepted means.

Lot Types



- (7) Lot Area
The land area within the lot lines, excluding any street rights-of-way and easements for street rights-of-way.
- (8) Lot, Butt
Any lot, the side of which coincides with the back lot of two or more corner lots.
- (9) Lot, Corner
A lot situated at the junction of and fronting on two or more streets. Corner lots should be considered to have two front yards,
- (10) Lot Coverage
That portion of a lot which has been covered with an impervious surface or structure.
- (11) Lot Depth
The mean horizontal distance between the front property line and the rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.
- (12) Lot, Flag
A lot without the required full lot width on a public roadway and with access to the public roadway provided to the bulk of the lot by means of a narrow strip or private easement.
- (13) Lot, Interior

- A lot other than a corner lot.
- (14) Lot, Key
Any lot, the rear lot line of which abuts the side lot line of one or more adjoining lots or parcels, or any lot, the side lot line of which abuts the rear lot line of one or more adjoining lots or parcels.
- (15) Lot Line Coverage
The minimum percentage of the lot line that must have a building façade located within the build-to zone.
- (16) Lot Line, Front
The boundary of a lot which abuts an existing or dedicated public or private street. In the case of a corner lot, it shall be the shortest dimension on a public street, but both are considered front yards for structure and building setbacks.
- (17) Lot Line, Rear
That boundary of a lot line which is most distant from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- (18) Lot Line, Side
Any boundary of a lot which is not a front or rear lot line.
- (19) Lot of Record
Title for a lot of record must have been created and recorded in the Office of the Ramsey County Recorder or the Ramsey County Registrar of Titles prior to April 3, 1991, the effective date of Shoreview Ordinance 552 (Recodification of the Shoreview Code of Ordinances).
- (20) Lot Width
The mean width of a lot measured at right angles to the mean depth.
- (L) M
- (1) Marquee
See "Canopy".
- (2) Municipal Separate Storm Sewer System (MS4)
The system of conveyances owned and operated by the City of Shoreview and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage. The MS4 includes sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels,

stormponds, infiltration chambers and basins, rain gardens, storm drains, and all other stormsewer system infrastructure.

(M) N

- (1) National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit

A permit issued by Minnesota Pollution Control Agency that authorizes the discharge of pollutants to public waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

- (2) Non-Conforming

Initially in compliance with applicable City or predecessor governmental unit regulations but no longer in compliance due to a change in such regulations.

- (3) Non-Stormwater Discharge

Any discharge to the storm drain system or MS4 that is not composed entirely of stormwater.

- (4) Nuisance

As defined in [Part 209](#).

(N) O

- (1) Occupant

Any person living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

- (2) Official Flood Plain Map

The Flood Insurance Rate Map (FIRM) panels numbered 27123C0005G, 27123C0010G, 27123C0020G, 27123C0030G and 27123C0036G, along with the attached Flood Insurance Study (FIS) for Ramsey County (All Jurisdictions) all dated June 4, 2010 and prepared by the Federal Emergency Management Agency (FEMA).

- (3) Open Space, Common

A parcel or parcels of land or areas of water, or a combination of land and water within a development which is designed and intended for the use and enjoyment of residents of the development. Common open space includes all land in excess of the individual building lots and land accepted for public dedication.

- (4) Open Space, Usable

An outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch, or terrace designed and accessible for residents of the development or members of the public for outdoor living, recreation,

pedestrian access, or landscaping. This shall not include areas for parking, driveways, utilities, or services; or any required front or street side yard. The minimum dimension for usable open space shall be ten (10) feet and the minimum area shall be one hundred (100) square feet or unless otherwise specified by this Development Code.

(5) Open Space, Usable Private

A usable open space that is available and accessible to and useable by all persons occupying a dwelling unit on the lot and their guests.

(6) Openable Area

That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(7) Operator

Any person who has charge, care or control of a multiple residence or rooming house, in which dwelling units or rooming unit are let for occupancy.

(8) Ordinary High Water (OHW) Level

The boundary of public waters and wetlands and 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.

(9) Owner

Owner or owners of the freeholder of the premises or lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building, including their manager and agents.

(O) P

(1) Parapet

A low wall which is an architectural component of a flat roofed building and which extends above the roof line of the building to which attached.

(2) Parking Space

An area to be used exclusively as a temporary storage space for one motor vehicle.

(3) Party Wall

- A common wall which divided two (2) independent structures.
- (4) Pedestrian Way
A public right-of-way across or within a block or development reserved for people traveling on foot.
- (5) Permanent Controls
Long-term methods employed to prevent erosion and sedimentation. Examples of such protection are swales, ponds, sediment basins, turf reinforcement mats, storm sewer systems, and riprap.
- (6) Planned Unit Development (PUD)
A type of development which may incorporate a variety of land uses planned and developed as a unit. The Planned Unit Development is distinguished from the traditional subdivision and site plan approval processes of development in that development standards such as setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer and the municipality, except that land uses and densities shall be consistent with that permitted by the Land Use Plan.
- (7) Person
An individual, firm, corporation, association or partnership.
- (8) Plumbing or Plumbing Fixtures
Water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, waste pipes, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.
- (9) Pollutant
Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ammunition and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage; dissolved and particulate metals; feces and animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (10) Porch, Enclosed

A horizontal roofed platform, attached or unattached to a dwelling, heated or unheated, with a wall system that consists substantially of screens, windows, and/or doors. If attached to a dwelling, the platform is larger than permitted for a landing, not including steps and ramps.

(11) Porch, Unenclosed

A horizontal roofed platform, attached or unattached to a dwelling, with a wall system that consists of roof support members, with or without railings, and no doors, screens or windows. If attached to a dwelling, the platform is larger than permitted for a landing, not including steps and ramps.

(12) Preliminary Plat

A tentative map, drawing or chart of a proposed subdivision meeting requirements herein enumerated.

(13) Premises

A lot, plot or parcel of land, including the building or structures thereon.

(14) Principal

Something of primary importance.

(15) Property Line

A line of record separating a parcel (or lot) which divides a parcel from another parcel or from a public or private street or any other public space.

(16) Public Waters

As defined in [Minnesota Statutes Section 103G, Subd. 15](#) and any amendments thereto.

(P) R

(1) Recreation Vehicle

A vehicle used or designed for use for temporary residential occupancy including but not limited to campers, motorhomes, mobile homes, pickup campers, camping trailers, tent trailers and travel trailers.

(2) Recreational Equipment

Play apparatus, such as swing sets, slides, sandboxes, poles for nets, canoes and kayaks less than 18 feet in length, paddle boats, picnic tables, lawn chairs, barbeque pits and similar equipment or structures but not including tree houses, swimming pools, playhouses or sheds utilized for storage or equipment.

(3) Recreational Facilities

Recreational amenities including, but not limited to, tree houses, swimming pools, playhouses, or sheds utilized for storage or equipment.

(4) Refuse

All solid waste products which are composed wholly or partly of the following materials: garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes, domestic solid wastes, organic wastes, residues of animals, meat, fruit, vegetables, grains or fish; animal excreta or carcasses of animals; rubbish including wood, leaves, vegetation, tree trimmings, dead trees and shrubs, branches, sawdust, shavings, grass trimmings, paper products, straw, rags, clothing, and all other combustibles; waste matter composed of soil, clay, sand, earth, gravel, fill, stones, bricks, plaster, glass, glassware, crockery, ashes, cinders, shells, metal and other non-combustibles; waste debris resulting from the construction, demolition, repair or alteration of structures or buildings; and accumulated waste materials composed of cans, containers, tires, junk, vehicle parts, appliances, electronic devices or other substances which may become a nuisance.

(5) Refuse Container

A receptacle designed for the temporary storage of refuse usually made out of metal or plastic and enclosed with a lid. Yard waste may, however, be temporarily stored in paper or plastic bags.

(6) Right of Way

The land covered by a public road or other land dedicated for public use or for certain private use; such as land through which a power line passes, above or underground.

(7) Riparian Lot

A lot of record that abuts a public water that is subject to the City of Shoreview's Shoreland Management regulations.

(8) Roof Line

The uppermost line of the roof of a building, or in the case of an extended facade, the uppermost height of said facade.

(9) Rough Grade

The stage at which the grade and elevation approximately conforms to the approved plan.

(Q) S

(1) Sanitary Sewer System

Pipelines or conduits, pumping stations, force mains, and all other appurtenances used for conducting domestic and non-domestic sewage to a treatment facility.

(2) Setback

The minimum horizontal distance, measured in feet between a structure and a property line, top of bluff, OHW level or between two structures such as in the case of freestanding signs or on-site sewage treatment systems.

(3) Shore Impact Zone

Land located between the OHW level of a public water and a line parallel to the OHW at a distance equal to 50 percent of the minimum required building setback from the OHW level.

(4) Shoreland

Land located within the following distances from public water: (1) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and (2) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The limits of 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 Department of Natural Resources.

(5) Sidewalk

An improved pedestrian surface that is typically located adjacent to a roadway.

(6) Sign

See [Division 208.020](#).

(7) Slopes, Steep

Slopes between 12% and 18% for horizontal distances of 50 feet or more, including all soils grouped in County Soil Survey Slope Class C.

(8) Slopes, Very Steep

Slopes between 19% and 30% for horizontal distances of 50 feet or more, including all soils grouped in County Soil Survey Slope Classes D, E, F.

(9) Snowmobile

A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

(10) Special Purpose Trailer

A trailer having a gross vehicle weight of less than 1,500 pounds. Special purpose trailers include utility trailers and trailers used to transport boats, snowmobiles or ATV's.

(11) Storm Drainage System

Facilities owned by public agencies/entities other than the City of Shoreview, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(12) Stormwater

Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(13) Stormwater Management Plan

The best management practices and activities to be implemented by a property owner to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, the stormwater drainage system, the MS4, and/or receiving waters.

(14) Story

That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story; a cellar shall not be counted as a story. If the finished floor level directly above a useable or unused under-floor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such usable or unused underfloor space shall be considered as a story.

(15) Story, First

The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level below grade, as defined herein, for more than fifty percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

(16) Street

A public way for vehicular traffic designated as a street, highway, thoroughfare, parkway, throughway, road arterial, lane, place or

however otherwise designated. The width of a street is measured between right-of-way lines.

(17) Street, Collector

A street so designated on the Comprehensive Plan and designed to collect traffic from individual properties and minor arterials.

(18) Street Frontage

The proximity of a parcel of land to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.

(19) Street, Internal

A street located within a development which connects to the City's street network.

(20) Street Line

The line coinciding with the lot and the street right-of-way line.

(21) Street, Private

A street serving as vehicular access to two or more parcels of land, which is not a through street, and which is not dedicated to the public but is owned by one or more private parties.

(22) Structure

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

(23) Structure, Alterations

Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.

(24) Subdivider

Any person commencing proceedings under this ordinance to effect a subdivision of land for himself or others.

(25) Subdivision

The separation of an area, parcel or tract of land under single ownership into two or more parcels, tracts, lots or long term leasehold interests, except those separations specified in Chapter 462.358, Subd. 4b of Minnesota Statutes and any amendments thereto.

(26) Substandard Lot

A lot of record that does not meet the minimum standards of the zoning district in which it is located.

(27) Supplied

Installed, furnished or provided by the owner or operator.

(R) T

(1) Temporary Controls

Short-term methods employed to prevent erosion and sedimentation. Examples of such protection are silt fence, temporary sediment basins, check dams, straw, mulch, erosion control blankets, wood chips and erosion netting.

(2) Toe of Bluff

Lowest elevation of the lowest 50-foot long segment of a bluff.

(3) Top of Bluff

Highest elevation of the highest 50-foot long segment of a bluff.

(4) Topsoil

Topsoil shall have a clay content of 5 to 35 percent, silt content of 10 to 60 percent, sand content of 10 to 70 percent, organic matter of 3 to 15 percent, and pH of 6.1 to 7.8. Topsoil shall be free of sticks and roots exceeding 1" in diameter, rocks exceeding 3" in diameter, and foreign materials.

(5) Transit Bench

A bench rest maintained on a publicly dedicated street or right-of-way for the convenience and comfort of persons waiting for buses or other vehicles.

(6) Transit Service

A system of buses, trains, etc., running on fixed routes, on which the public may travel.

(S) U

(1) Undeveloped Land

Land which is not developed with structures of the maximum number, type, bulk and height allowed by the integrated Development Ordinance of Shoreview.

(2) The Urban Small Sites Manual or the most current version of the manual, prepared for the Metropolitan Council by Barr Engineering Company, or its successor shall be referenced.

(3) Utilities

Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication (excluding wireless telecommunication facilities), supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

(T) V

(1) Variance

A departure from the standards of this ordinance, but not including land use or building use.

(2) Ventilation

The process of supplying and removing air by natural or mechanical means to or from any space.

(U) W

(1) Waste Container

A disposable or non-disposable receptacle that is waterproof and fly tight, used primarily for storage of refuse and other waste materials between collections by households accumulating small quantities of refuse or other waste materials.

(2) Waste Materials

All other discarded, combustible or noncombustible, organic or inorganic materials infrequently accumulated in the operation of a house, including but not limited to, vehicles, vehicle parts, major appliances, furniture, building materials, animal manure, trees, limbs and trunks, metal scrap, and other material that cannot be temporarily stored in a waste container or bundle because of its size or shape.

(3) Wastewater

Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(4) Watercourse

A ditch, stream, creek, swale, or other defined channel intended for the conveyance of water, runoff, groundwater discharge or similar hydraulic or hydrologic purpose.

(5) Wetland

As defined by the Wetland Conservation Act of 1987 and amended in 1992.

(6) Workmanlike

Whenever the words “workmanlike state of maintenance and repair” are used in this ordinance they shall mean the standards of the trade or industry involved.

(V) Y

(1) Yard

The space between a lot line and building line that is unoccupied and unobstructed from the ground upward except as may be permitted by

the Development Ordinance. All ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a resident building.

(2) Yard, Front

A space extending the full width of the lot between any building and the front lot line, and measured at the closest point to the front lot line. The front yard includes any area between any building and the front lot line that is not a side yard, as defined. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted in the Development Ordinance. A corner lot has two front yards.

(3) Yard, Rear

A space extending the full width of the lot between the principal building and the rear lot line, and measured at the closest point of the rear lot line. The rear yard includes any area between any building and the front lot line that is not a side yard, as defined. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted in the Development Ordinance. On corner lots that portion of the rear yard, located closer to the street than the principal structure shall be considered a front yard.

(4) Yard, Required

The open space between the lot line and the buildable area having the width or depth required in the district in which it is located.

(5) Yard, Side

A space extending from the front yard to the rear yard between the principal building and side lot line measured from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted in the Development Ordinance. On corner lots that portion of the side yard, located closer to the street than the principal structure shall be considered a front yard.

(W) Z

(1) Zero Lot Line

The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

(2) Zoning District

An area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, lot and bulk of structures and premises are uniform.

(3) Zoning District Map

A map showing the boundaries of the zoning districts as established by the Development Ordinance and designated as the "Zoning District Map."

202.013 Use Definitions

(A) Definitions

(1) Accessory Apartment

A clearly secondary dwelling unit created within a single-family dwelling or within an accessory structure to a single-family dwelling.

(2) Accessory Structure

A subordinate structure detached from, but located on, the same lot as the principal structure.

(3) Adult Establishment

Any business that is characterized by, or places a significant emphasis on, providing its patrons with merchandise, services or entertainment that is characterized by an emphasis on the depiction, exposing, describing, discussing of "specified sexual activities" or "specified anatomical areas". For purposes of this definition, Adult Establishment includes, without limitation, adult bookstores, adult motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

(4) Ambulance or Medical Carrier Service

A facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

(5) Animal Boarding, Shelter, or Daycare Center

Any structure or premises on which 3 or more dogs or cats over 6 months of age are temporarily or permanently boarded, including animal day care/spa/grooming facilities.

(6) Animal/Veterinary Clinic or Hospital

A facility for the diagnosis, treatment, or hospitalization of small animals, including dogs, cats, rabbits, hamsters, and other animals of

similar nature. Boarding of animals shall be allowed as an accessory use.

(7) Antenna

Any device or equipment designed for transmitting or receiving light, sound or electronic signals, which is located on the exterior of, or outside of, a building or structure and which is or could be attached to a tower.

(8) Assisted Living Facility

A residential facility licensed by the state which provides services on a regular basis, such as personal services, 24-hour supervision, social activities, and health-related care and services, to individuals who require the assistance, but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

(9) Automobile Sales, Leasing, Rental, and Service

Any land or buildings, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

(10) Automobile Repair

Incidental body or fender work, or other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons' capacity, but not including any operation named under "Automobile body shop," or any other similar thereto.

(11) Automobile Body Shop

General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

(12) Automobile Fueling Station

Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels, including the sale of automobile accessories and groceries, but not including any vehicle repair or maintenance.

(13) Automobile Service Station

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. Services may include greasing and oiling, the sale of automobile accessories on the

premises, and replacement of parts and motor services, including general repair, and the rebuilding or reconditioning of engines.

(14) Brewery

A licensed facility used for the manufacture of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability.

(15) Brewpub

A bar, restaurant, or similar retail establishment, in which no more than 3,500 barrels of malt liquor are brewed annually for retail on and off sale purposes.

(16) Broadcast Accessory Equipment and Structures

Antennas, wave guides, microwave transmission and reception equipment, up-link and down-link satellite antennas and other similar equipment, as well as any tower 1,200 feet or less in height AMSL described in the original Conditional Use Permit issued hereunder to the property owner, which are used or useful for, or in connection with, continuous or stand-by transmission, relay or reception of radio frequency signals to or from other terrestrial locations or satellites orbiting the Earth and the use and operation of such Broadcast Accessory Equipment and Structures.

(17) Broadcast Buildings

Buildings containing audio, video, and satellite transmitting and receiving equipment and other related equipment and parts, including standby power generators and vehicles, used or useful for or in connection with continuous or stand-by use of Broadcast Tower or Accessory Equipment and Structures, and the use and operation of equipment contained in such Broadcast Buildings.

(18) Broadcast Related Uses

All anchors and guy wires necessary to stabilize a Broadcast Tower or Broadcast Accessory Equipment and Structures, as well as access roads and vehicular parking areas serving the use of a Broadcast Tower, Broadcast Accessory Equipment and Structures, Broadcast Buildings, and outside storage of materials and refuse.

(19) Broadcast Tower

Any tower, or towers, described in the original CUP issued hereunder to the property owner, greater than 1,200 feet in height above mean sea level (AMSL) used for continuous or standby broadcasting, transmitting,

receiving, or relaying of radio frequency signals and information for private, commercial, public, or institutional uses.

(20) Place of Worship

A facility in which the deceased are prepared for burial or cremation and where funeral services may be conducted.

(21) Cemetery

Land used or dedicated for the burial of the dead, including columbariums and mausoleums, but excluding crematories.

(22) Club or Lodge

A non-profit association of persons who are bona fide members paying annual dues, with a use of premises being restricted to members and their guests.

(23) Commercial Antenna or Tower

An antenna or other device and/or an associated tower designed for use for commercial purposes or to provide a telecommunications service with the intent to make a profit.

(24) Commercial Recreation, Indoor

Non-public and quasi-public establishments engaged in providing indoor amusement, entertainment, or recreation for a fee or admission charge, including but not limited to membership sports and recreation clubs, commercial sports facilities, gymnastics training/exhibition centers, and bowling alleys.

(25) Commercial Recreation, Outdoor

Non-public and quasi-public establishments with indoor and outdoor components engaged in providing amusement, entertainment, or recreation for a fee or admission charge, including but not limited to membership sports and recreation clubs and commercial sports facilities.

(26) Commercial Use

The use of land or buildings for the sale, lease, rental or trade of products, goods, and/or services.

(27) Community Commercial Center

A small commercial area no larger than 20,000 sq. ft. providing limited retail goods and services, such as groceries and restaurants, for nearby residential customers. Individual commercial structures may be grouped together or attached.

(28) Conditional Use

A specific type of structure or land use listed in the Development Code that because of special requirements or characteristics may be allowed but only after an in-depth review procedure and with appropriate conditions and restrictions so as to be compatible with other land uses in the area and uphold the integrity of the Comprehensive Plan.

(29) Construction Contractor Yard

A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials customarily required in the building trades by a construction contractor. This definition includes architects, engineers, surveyors, real estate sign placement services, showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal and other materials in connection with contracting services.

(30) Continuing Care Facility

A residential facility or complex which provides a variety of senior living choices, from independent living to long-term care, which a goal of helping residents to age in place.

(31) Daycare Center

A facility licensed under [Minnesota Rules 9503](#), where the operator is providing care for less than twenty-four hours at a time. This term includes a day program, drop-in child care program, a night care program, and a school age program. This term also includes a child care center that is accessory to another use and that is intended for use by the employees of the principal uses and their immediate family for more than three hours of care and supervision a day. This term does not include programs operated by a public school for children 33 months or older.

(32) Daycare, Family

A dwelling unit where a resident of the dwelling is providing care under [Minnesota Rules 9502](#) for less than twenty-four hours at a time for no more than 10 children, of which no more than six children are under school age.

(33) Daycare, Group Family

A dwelling unit where a resident of the dwelling is providing care under [Minnesota Rules 9502](#) for less than twenty-four hours at a time for up to 14 children, of which no more than 10 may be school age.

(34) Drive-Through Facility

A facility designed or operated to serve a patron who is seated in an automobile.

(35) Dwelling, Apartment

A residential building designed for or occupied by five (5) or more families, with the number of families in residence not to exceed the number of dwelling units provided, and sharing a joint entrance from the outside.

(36) Dwelling, Apartment Mixed Use

A building designed for or occupied by one (1) or more families or dwelling units as well as non-residential uses that are permitted in the zoning district to be located on the ground story, with all dwelling units sharing a joint entrance from the outside.

(37) Dwelling, Attached Townhouses or Rowhouses

A building designed for or occupied exclusively by eight (8) or fewer families or dwelling units, which are attached horizontally by at least one (1) common wall extending from the foundation to the roof, and providing separate entrances from the outside for each unit.

(38) Dwelling, Manufactured Home

A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that the term includes any structure which meets all the requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under [Minnesota Statutes, Section 327.32](#).

(39) Dwelling, Manufactured Home Park

A parcel of land under single control or ownership which has been developed for the placement of manufactured homes for residential use.

(40) Dwelling, Mobile Home

Any vehicle used or constructed to permit its use as a conveyance upon public streets or highways, and including self-propelled or non-self-propelled vehicles designed in a manner to permit long term

occupancy as a dwelling place for one or more persons, having no foundation other than wheels, jacks or skirtings.

(41) Dwelling, Single-Family Detached

A detached building designed for or occupied by one (1) family.

(42) Dwelling, Senior Independent Living

Any facility which provides independent living opportunities for senior citizens, typically age 55 and up, such as garden apartments, group housing, and apartments.

(43) Dwelling, Twinhome

The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero (0) space between said units.

(44) Dwelling, Two- to Four-Family

A single residential structure on a single lot which is design for or occupied by two (2) to four (4) families living independently of one another.

(45) Dwelling Unit

Residential accommodation located within a dwelling structure which includes permanently installed cooking, eating, living, and sanitation facilities arranged, designed, used or intended for use exclusively as living quarters for one (1) family.

(46) Essential Services

Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication (excluding wireless telecommunication facilities), supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

(47) Financial Institution

A facility in which the deceased are prepared for burial or cremation and where funeral services may be conducted.

(48) Funeral Home or Mortuary

A facility in which the deceased are prepared for burial or cremation and where funeral services may be conducted.

(49) Health Services

Uses primarily engaged in furnishing medical, surgical or other similar services to individuals, including the offices of physicians, dentists, and

other health practitioners, medical and dental laboratories, clinics, outpatient care facilities, pharmacies, blood banks and oxygen and miscellaneous types of medical supplies and services.

(50) Home Occupation

Any occupation carried out for gain by a resident and conducted as an accessory use within the resident's dwelling unit.

(51) Hotel

A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms.

(52) Industrial Use

The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale materials.

(53) Laboratory, Research/Development/Testing

A facility for scientific laboratory research, development, and testing in technology-intensive fields.

(54) Large Standalone Store, Retail or Service

A detached structure where goods or services are sold over 50,000 square feet in gross floor area.

(55) Long-Term or Transitional Care Facility

A facility that provides meals, lodging, and nursing care to two (2) or more individuals due to illness, age, or infirmity. Long-term care facilities include skilled nursing facilities such as nursing homes, rest homes, boarding care homes, convalescent care, and other transitional care facilities.

(56) Makerspace

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

(57) Manufacturing, Light

An establishment or use of land for the fabrication, compounding, processing, packaging, treatment, and assembly of previously processed components or manufactured parts using processes that do not create significant amounts of noise, vibration, illumination, or particulates that may impact surrounding properties. Examples include, but are not limited to the following: food; pharmaceuticals; clothes; furniture (where wood is milled off-site); hardware; toys; light sheet metal products; mechanical components; printing; small vehicle assembly; and computer software.

(58) Office Uses

Those commercial activities, including data processing activities, which take place in office buildings where goods are not produced, sold or repaired.

(59) Open Space

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed or reserved by a developer or governmental unit for public or private use.

(60) Outdoor Storage

An area, subject to certain conditions, set aside for storage of equipment and materials.

(61) Outside Display Area

An area set aside for the display of materials and/or products for sale or lease.

(62) Parking Structure

A structure designed and used for the storage of motor vehicles at, below, or above grade or a combination thereof.

(63) Permitted Use

A land use which is specifically allowed in a zoning district.

(64) Permitted with Standards Use

A land use which is permitted by-right if certain standards are met.

(65) Portable Storage Unit

A portable or moveable, weather-resistant receptacle designed and used for the outdoor storage of personal property, and which is leased on a short-term basis for temporary storage purposes.

(66) Private Antenna or Tower

An antenna or other device and/or associated tower designed for the private use and enjoyment of the property owner that will not be used to provide a telecommunications service with the intent to make a

profit. These devices include, but are not limited to, devices designed for reception of television broadcast signals, multi-channel multipoint distribution service, direct broadcast satellite services, AM/FM radio, telephone, internet, or any facility designed to transmit or receive amateur radio or citizen band radio.

(67) Public Assembly Use

Land uses which provide opportunities for the public to gather. Public assembly uses include, but are not limited to, clubs and lodges, places of worship, schools, municipal or government buildings and facilities, public recreational areas, and theater, dance, and musical performance uses.

(68) Regional Commercial Center

A commercial area larger than 20,000 sq. ft. providing a larger mix of retail goods and services for residents of and travelers through a larger region. Individual commercial structures may be grouped together or attached.

(69) Residential Care Facility

A building that houses persons, on a 24-hour basis, who because of age, mental disability, or other reasons live in a supervised residential environment who provide personal care services. This classification shall include, but not be limited to residential board and care facilities, halfway houses, group homes, congregate facilities, social rehabilitation facilities, and alcohol and drug abuse centers.

(70) Residential Use

The use of land or buildings for residential purposes.

(71) Restaurant

An establishment, where food and drink are prepared and served for human consumption, principally within the establishment or for take-out to be consumed off-premises.

(72) Satellite Earth Station

The antenna and all other equipment necessary for processing electronic signals traffic (including, but not limited to voice, data, and video) received from terrestrial distributions prior to transmission via satellite and of traffic received from the satellite prior to transfer of channels of communication to terrestrial distribution systems.

(73) Seasonal Residential Sales Event

An advertised event hosted by one or more households at a residence of one of the participants which involves the sale of merchandise,

generally on a non-appointment basis. The merchandise may include but is not limited to handcrafted items, used household or personal items, new merchandise, and agricultural produce. These events are more commonly referred to as garage or estate sales.

(74) Self-Service Storage Facility

A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

(75) Small Standalone Store, Retail or Service

A detached structure where goods or services are sold under 50,000 square feet in gross floor area.

(76) Solar Energy

(a) Solar Collector

A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply. No window or skylight smaller than 30 square feet in area shall be construed as a solar collector within the meaning of this definition.

(b) Solar Energy

Radiant energy (direct, diffuse and reflected) received from the sun.

(c) Solar Energy System

A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling of buildings and other energy-using processes, or to produce generated power by means of any combination of collecting, transferring or converting solar-generated energy.

(d) Solar Panel Array

Multiple solar panels connected to form a cohesive system.

(e) Ground-Mounted Solar Energy System

A solar energy system mounted on a rack or pole that rests or is attached to the ground.

(f) Roof-Mounted Solar Energy System

A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof.

(g) Building-Integrated Photovoltaic System

A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device,

- replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
- (h) Grid-Intertie Solar Energy System
A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
- (i) Photovoltaic System
A solar energy system that converts solar energy directly into electricity.
- (77) Studio or Gallery
An establishment engaged in the sale, loan, or display of visual works of art.
- (78) Swimming Pool
Any enclosure, above or below grade, having a water surface area exceeding one hundred square feet and a water depth greater than eighteen inches at any point.
- (79) Temporary Sales or Events
Any non-residential sale or event secondary to the principal permitted use which is temporary in nature and which is held outside the principal structure.
- (80) Theater, Dance, or Music Performance Facility
A facility used for the production, preparation, and performance of dramatic, dance, musical, or other live performances.
- (81) Tower
Any self-supporting pole, spire, or structure, or any combination, that is constructed primarily for the purpose of supporting one or more antennas and all supporting lines, cables, wires, bracing and linkage systems designed. This definition includes, but is not limited to, lattice towers, guy towers and monopole towers. A tower does not include building mounted Wireless Telecommunications Facilities (WTF).
- (82) Urban Farm
An establishment where food or flowers are grown or processed to be sold or donated that includes, but is not limited to, outdoor growing operations, indoor growing operations, container farm, vertical farms, aquaponics, aquaculture, and hydroponics.
- (83) Use
The method or manner of employing a lot or structure.

(84) Use, Accessory

A use, on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

(85) Use, Principal

The specific primary purpose for which land is used.

(86) Warehousing

The storage of materials or equipment within an enclosed building as a principal use including packing and crating.

(87) Wind Energy Conversion System

Any device or assemblage which directly converts wind energy into usable electrical power, including such devices as windmills and wind turbines and their supporting structures.

(88) Wholesaling

The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

(89) Wireless Telecommunication Facility

Equipment, including commercial antennas, commercial telecommunication towers, and equipment enclosures, designed for the transmission and reception of all types of data, including, but not limited to, writing, signs, signals, pictures, and sounds of all kinds without the aid of wire, cable, or other like connections between the points of origin and reception of such transmission, including all instrumentalities and apparatus incidental to such transmission. As used in the Shoreview Municipal Code, the term "wireless telecommunication facility" shall not include amateur radio antenna or towers; mobile transmitting devices, such as vehicle or handheld radios/telephones and their associated transmitting antennas; satellite earth stations; or broadcast towers.

203 Administration

203.010 General Provisions

203.011 Applications and Fees

(A) Application

An application may only be submitted by the property owner, individual or other entity that has legal interest in the property.

(B) Forms

(1) Application shall be made on forms provided by the City and shall include all information and data requested as stated on the application form(s).

(2) Documents

The applicant must provide complete documentation as prescribed by this ordinance or requested by the City Manager. The City Manager shall require a survey of the property, prepared by a registered and licensed surveyor, if necessary to review the application. The City Manager shall determine if the application is complete and then schedule the complete application for the next available Planning Commission meeting.

(C) Other Agencies

Upon receipt of the completed application, the City Manager shall refer copies to pertinent City staff and other public agencies for review and comment.

(D) Time

(1) In compliance with Minn. Stat. 15.99, the City shall take action to approve or deny zoning applications within 60 days of receiving a completed application.

(2) If the City cannot take action to approve or deny the application within 60 days of receiving the completed application, the City may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing.

(3) The City may request additional extensions from the applicant. If the applicant is agreeable to the extension, the applicant shall approve the extension request in writing.

203.012 Lapse and Reapplication

(A) Lapse

A permit or approval which has been granted but not used shall become void one year after its effective date. A permit which has become void may be renewed in accordance with the procedures herein established for an original application.

(B) Timeline Extension

At least 45 days prior to the expiration of the initial 12-month period, the applicant may request an extension of the permit or approval from the approving body. The approving body may approve extensions in 12-month increments. The extensions shall be approved in the same manner as the original approval, either by motion or by amending the original resolution with findings of fact.

(C) Reapplication

No application for the same or substantially the same request shall be made within six months of the date of denial.

(D) Fees

Fees for the various applications shall be as determined by City Council resolution. A copy of the current fee schedule shall be kept on file by the City Manager.

203.013 Warning and Liability Disclaimer

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 Shoreview, or any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

203.020 Review Process

203.021 Introductory Provisions

(A) The City has the following four types of application review processes:

- (1) Planning Commission Public Hearing with City Council Decision
- (2) Planning Commission Review with City Council Decision
- (3) Planning Commission Review and Decision
- (4) Administrative Review and Decision

(B) The City has also identified procedures to allow for the following types of appeals:

- (1) Appeal of Planning Commission Decision
- (2) Appeal of Administrative Decision

203.022 Planning Commission Public Hearing with City Council Decision

(A) Applications that require review via a public hearing shall be processed after receipt of a complete application that contains all the required submittal information. The City Manager shall refer the application to the Planning Commission and establish a date for hearing of the application. The application shall be heard and acted on by the Planning Commission and City Council in accordance with Minnesota Statute 15.99.

(B) Planning Commission

The Planning Commission shall hold a public hearing, preceded by published and/or mailed notice. Upon review of the application in accordance with the requirements of the Development Ordinance, the Planning Commission will forward the application to the City Council with a recommendation of approval or denial and the reasons thereof, or shall table the application for further consideration.

(C) City Council

The City Council may hold a public hearing in lieu of a public hearing by the Planning Commission. Upon receipt of the Planning Commission report, the City Council shall consider the application. The City Council shall, taking into consideration the advice and recommendations of the Planning Commission, table, grant or deny the application in accordance with the requirements of the Development Ordinance.

(D) Notice Procedure

Public hearings shall be preceded by either published notice and/or mailed notice as required by the terms of this Part.

(1) Publication

Notice of the purpose, time and place of a public hearing shall be published at least 10 days before the date of the hearing in the official newspaper of the City of Shoreview as designated by the City Council. Affidavits of publication shall be made a part of the record of the proceedings.

(2) Mailed Notice

Notice of the purpose, time and place of a public hearing shall be mailed at least 10 days before the date of the hearing to each recorded owner of property within 350 feet of the perimeter of the property, which will be the subject matter of the public hearing. An affidavit

containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(3) Failure to Give Notice

Failure to give mailed notice, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(E) Issuance and Conditions

If approved, the City Council may impose conditions and safeguards therein to insure that the proposed use will not be detrimental to the health, safety or general welfare of the community and that the use is in harmony with the general purpose and intent of the Development Ordinance and the Comprehensive Plan. If denied, the City Council shall provide the reasons thereof.

(F) Decision

The City Council has the authority to grant or deny the request in accordance with the requirements of the Development Ordinance upon majority vote of its membership, unless otherwise stated in this ordinance. Requests for text amendments, zoning district map amendments, Comprehensive Plan amendments and planned unit development – development stage require a 4/5 majority vote of the City Council's entire membership for approval.

203.023 Planning Commission Review with City Council Decision

(A) Applications that require review by the Planning Commission and action by the City Council shall be processed after receipt of a complete application that contains all the required submittal information. The City Manager shall refer the application to the Planning Commission and establish a date for consideration of the application. The application shall be heard and acted on by the Planning Commission and City Council in accordance with [Minnesota Statute 15.99](#).

(B) Planning Commission

The Planning Commission shall hold an application review, preceded by mailed notice, in consideration of granting the request. The Planning Commission shall review the application in accordance with the requirements of the Development Ordinance. Upon review of the application, the Planning Commission will recommend to the City Council

approval and conditions thereof or denial and the reasons thereof, or shall table the application for further consideration.

(C) City Council

Upon receipt of the report from the Planning Commission, the City Council shall consider the application. The City Council shall, taking into consideration the advice and recommendations of the Planning Commission, table, grant or deny the application in accordance with the requirements of the Development Ordinance.

(D) Notice Procedure

(1) Mailed Notice

Notice of the purpose, time and place shall be mailed at least 10 days before the date of the meeting to each recorded owner of property within 350 feet of the perimeter of the property which will be the subject matter of the application review. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(2) Failure to Give Notice

Failure to give mailed notice or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(E) Issuance and Conditions

If approved, the Council may impose conditions and safeguards therein to insure that the proposed use will not be detrimental to the health, safety or general welfare of the community and that the use is in harmony with the general purpose and intent of the Development Ordinance and the Comprehensive Plan. If denied, the City Council shall provide the reasons thereof.

(F) Decision

The City Council has the authority to table, grant or deny the request in accordance with the requirements of the Development Ordinance upon majority vote of its membership, unless otherwise stated in this ordinance.

203.024 Planning Commission Review and Decision

(A) Applications that require review and action by the Planning Commission shall be processed after receipt of a complete application that contains all the required submittal information. The City Manager shall refer the application to the Planning Commission and establish a date for hearing

of the application. The application shall be heard and acted on by the Planning Commission in accordance with Minnesota Statute 15.99.

(B) Hearing

The Planning Commission shall hold an application review, preceded by mailed notice as required by Section 203, in consideration of granting the request. The Planning Commission shall review the application in accordance with the requirements of the Development Ordinance. Upon review of the application, the Planning Commission shall table the application for further consideration, approve the application with conditions thereof or deny the application and provide reasons thereof.

(C) Notice Procedure

(1) Mailed Notice

Notice of the purpose, time and place shall be mailed at least 10 days before the date of the meeting to each recorded owner of property within 150 feet of the perimeter of the property which will be the subject of the application review. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(2) Failure to Give Notice

Failure to give mailed notice or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(D) Issuance and Conditions

If approved, the Planning Commission may impose conditions and safeguards therein to insure that the proposed use will not be detrimental to the health, safety or general welfare of the community and that the use is in harmony with the general purpose and intent of the Development Ordinance and the Comprehensive Plan. If denied, the Planning Commission shall provide the reasons thereof.

(E) Decision and Appeal

The Planning Commission has the authority to table, grant or deny the request in accordance with the requirements of the Development Ordinance upon majority vote of its membership. Decisions of the Planning Commission shall be final unless the applicant or other aggrieved party submits an appeal in accordance with [Section 203.026](#) Appeal of Planning Commission Decision.

203.025 Administrative Review and Decision

- (A) The City Manager shall review the application for compliance with the regulations of the Development Ordinance after receipt of a complete application that contains all required submittal information.
- (B) Notice Procedure
The City Manager shall provide written notification to property owners. Failure to give a mailed notice or defects in the notice shall not invalidate the review process provided that a bona fide attempt has been made to contact the property owners.
- (C) Issuance and Conditions
If the City Manager determines that the use is in compliance with the conditions contained in **this Chapter**, then the City Manager shall approve or deny the application. Conditions required by the Development Ordinance shall be applied to the approval. The application may be denied if the City Manager finds that the request proposed does not conform to the Development Ordinance.
- (D) Decision and Appeal
Decisions of the City Manager shall be final unless the applicant or other aggrieved party submits an appeal in accordance with [Section 203.027](#), Appeal of Administrative Decision.

203.026 Appeal of Planning Commission Decision

- (A) Application
Applications to appeal a Planning Commission decision shall be made on forms provided by the City Manager, who shall forward completed applications to the City Council for review.
- (B) Deadline for Application
Appeals must be made in writing and be submitted to the City Manager within five business days of the Planning Commission's decision.
- (C) Review Process
The City Manager shall refer the application to the City Council and establish a date for hearing of the application. The application shall be processed in accordance with Minnesota Statute 15.99.
- (D) Notice and Procedure
- (1) Mailed Notice
Notice of the purpose, time and place of the appeal shall be mailed at least 10 days before the date of the appeals hearing to the appellant and those property owners notified during the review process. An

affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(2) Failure to Give Notice

Failure to give mailed notice, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(E) Criteria for Review

Any appeal must be based on the application's compliance or noncompliance with the requirements of the Development Ordinance.

(F) Decision

The decision of the City Council to table, grant or deny the appeal requires a majority vote of members present.

203.027 Appeal of Administrative Decision

(A) Application

Applications to appeal an administrative decision shall be made on forms provided by the City Manager, who shall forward completed applications that include the required information to the Planning Commission, which shall act as the Board of Appeals and Adjustments for review.

(B) Deadline for Application

Appeals must be made in writing and be submitted to the City Manager within five business days of the administrative decision.

(C) Review Process

The City Manager shall refer the application to the Planning Commission and establish a date for the appeals hearing. The application shall be processed in accordance with Minnesota Statute 15.99.

(D) Notice Procedure

(1) Mailed Notice

Notice of the purpose, time and place of an appeals hearing shall be mailed at least 10 days before the date of the hearing to the appellant and those property owners notified during the permit review process. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(2) Failure to give mailed notice, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(E) Criteria for Review

Any appeal must be based on the application's compliance or noncompliance with the requirements of the Development Ordinance.

(F) Decision and Appeal

The decision of the Board of Adjustment and Appeals to grant or deny the appeal requires a majority vote of members present. Decisions of the Board of Appeals and Adjustments on appeals shall be final unless an appeal is filed in accordance with [Section 203.026](#).

203.030 Permits

203.031 General

Unless otherwise stated in this Chapter, the following regulations shall apply to all permits:

(A) Expiration of Permit

Unless otherwise stated in **this Chapter**, an approved permit shall expire and be considered null and void one year after it has been issued if the use has not been established or no construction has taken place, except that, upon written application of the owner of the affected land prior to the end of such year, the authorizing body may extend the expiration date of such permit for an additional period not to exceed one year.

(B) Revocation

If the permittee is not in compliance with the terms of the permit, a hearing shall be scheduled before the City Council for the purpose of determining whether to revoke the permit. The hearing shall be preceded by ten (10) days mailed notice to permittee and those occupants of property within applicable notification radius of the process under which the permit was issued.

(C) Renewal

In general, renewal requirements shall be as provided for in each permit process. The authorizing body may require periodic renewal as a condition of approval.

(D) Reapplication

No application for a permit with a same or similar request shall be submitted for a period of 12 months from the date of denial of the previous application.

(E) Amended Permits

Amended permits shall be requested for changes in the use or conditions of the existing permit. A request to amend the permit shall be administered in a manner similar to that required for a new permit.

(F) Other Permits and Approvals

The applicant shall obtain other permits and approvals from other governmental agencies as required.

203.032 Administrative Permits

(A) Accessory Apartment Permit

(1) Application

Applications for an accessory apartment within RE or R1 zoning districts shall be allowed subject to review by the City Manager. Applications shall be made on forms provided by the City and shall include the submittal information indicated on the form.

(2) Review Process

Applications for accessory apartments shall be reviewed administratively by the City Manager in accordance with [Section 203.025](#).

(3) Criteria for Review

The City Manager shall review the completed application in consultation with the Building Inspector and Fire Chief, and shall determine whether the application complies with the regulations of the Development Ordinance and meets the standards in [Division 207.030](#).

(4) Length of Permit

Upon the sale of a home having an accessory apartment permit, the buyer must renew the permit.

(5) Record of Permit

The City shall require the owner to place restrictive covenants on the property controlling the use of the accessory apartment. The City Attorney must approve said covenants. Said covenants shall be filed with the Ramsey County Recorder or Registrar of Titles.

(B) Grading Permit

(1) Permit Required

A grading permit or a building permit must be obtained from the City before commencing any of the following activities:

(a) Any grading in a wetland area.

- (b) Grading within any Bluff or Shore Impact Zone or on any Steep Slope which will involve the movement of more than five (5) cubic yards of soil material, or disturb an area of more than 500 square feet.
- (c) Grading elsewhere in the City which will involve the movement of more than ten (10) cubic yards of soil material or disturb an area of more than 1,000 square feet.
- (d) Grading in association with detached single family residential construction does not require a separate grading permit; however, all of the requirements of this section are to be requirements of the building permit.
- (e) In Short Impact Zones, Bluff Impact Zones and on Steep Slopes, a Grading Permit is required to construct, maintain, repair or reconstruct a retaining wall, as specified in [Subsections 205.053\(G\)\(1\)\(b\) and \(c\)](#).
- (f) Any grading that modifies the historic or approved drainage pattern in a significant manner, as determined by the Public Works Director.

(2) Timing

A grading permit may not be issued until after the City Council has granted the applicant a preliminary plat, site and building plan, or equivalent approval if required by [this Part](#).

(3) Applications

Applications for a grading permit shall be made on forms provided by the City Manager and include the required information.

(4) Review Process

(a) Administrative Review

Applications for grading permits may be reviewed administratively by the City Manager in accordance with [Section 203.025](#).

(Administrative Review) if the proposed grading activities will involve no more than 2,000 cubic yards of soil or disturb an area no larger than 30,000 square feet.

(b) Planning Commission/City Council Review

All other grading permit applications shall require Planning Commission review and City Council action in accordance with [Section 203.023](#) (Planning Commission/City Council Review).

(5) Criteria for Review

The City shall review the application in accordance with the standards in [Division 207.070](#) (Soils, Slopes, Grading and Erosion and Sediment

Control) and evaluate possible soil erosion, water quality, and view degradation impacts. When deemed by the City to be necessary, conditions may be attached to the permit issuance to minimize the stated impacts.

(6) Erosion Control Agreement.

The City shall require an applicant for a grading permit to enter into an Erosion and Sediment Control Agreement per [Section 203.062](#) (Erosion and Sediment Control Agreements).

(7) Grading Certification

An as-built survey, prepared by a surveyor licensed and registered by the State of Minnesota, shall be submitted upon completion of the permitted work for the following:

- (a) All new principal structures with information on updated setbacks, and in situations that require impervious surface calculations.
- (b) Any development requiring construction, enlargement and/or alteration of stormwater management infrastructure, including, but not limited to, ponds, pipes or infiltration basins.
- (c) Substantial addition or alteration of an existing principal building. A substantial addition is defined as an improvement valued in excess of 50% of the Market Value of the building, as determined by the real estate tax statement for the parcel exclusive of the value of the land, or an expansion of the foundation area of the existing principal building by more than 50%.
- (d) Any addition or land alteration that modifies the site drainage pattern in a manner that significantly alters the historic or approved site drainage, as determined by the Public Works Director.
- (e) The Grading Certification shall include such detail as required by the City Manager and shall be submitted prior to issuance of a Certificate of Occupancy for the structure.

(8) Erosion and Sediment Control and Grading Certification Escrows

An Erosion and Sediment Control Escrow shall be submitted that is sufficient to insure the installation, completion, and maintenance of the erosion and sediment control plan and practices and to insure the site is revegetated and landscaped in compliance with the approved grading plan. A Grading Certification Escrow shall be submitted that is sufficient to insure that the required location and elevation information for the site is collected and submitted to the City for review. The method for determining the amount of the Erosion and Sediment

Control and Grading Certification Escrows shall be ordained from time to time by the City Council.

(9) Administration of Escrow

(a) The escrow may be administratively reduced, upon written request by the poster of the escrow, as phases of the project are completed. Upon project completion, the escrow may be administratively returned.

(b) The City may, at its discretion, use the erosion and sediment control and grading certification escrow monies to bring the grading into conformance with the permit, erosion control plan, or any standards set forth in **Division 207.070** (Soils, Slopes, Grading and Erosion and Sediment Control), including, but not limited to, surveying, street sweeping, silt fence repair, turf establishment, and silt fence removal, in the event that the applicant does not correct deficiencies after 24-hour notice by the City.

(c) If it becomes necessary for the City to utilize all or a portion of the surety, Developer shall immediately deposit cash in an amount sufficient to re-establish the original surety amount and, until Developer makes such a deposit, no further development may occur on the Property.

(10) Expiration

Grading permits issued by the City shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance or if the authorization is suspended or abandoned at any time after the work has commenced for a period of one hundred and eighty (180) days. In any case, all permits expire within one year of issuance.

(11) Other Permits and Approvals

The applicant shall obtain all required permits from agencies having jurisdictional authority, including, but not limited to the Department of Natural Resources, the Army Corps of Engineers, Grass Lake Watershed Management Organization, Vadnais Lake Watershed Management Organization, Rice Creek Watershed District, and/or Ramsey County.

(C) Home Occupation Permit

(1) Permit Required

Except as provided herein, no person shall conduct a home occupation without obtaining a permit.

(2) Waiver

The City Manager is authorized to waive the permit requirement if the home occupation can be conducted subject to the following restrictions:

- (a) No services shall be provided to customers on the premises.
- (b) Only vehicles routinely associated with single-family dwelling uses (including conventional automobiles, vans, minivans, sport utility vehicles and pickup trucks but excluding step vans or similar sized delivery vehicles) may pick up or deliver home occupation materials to the premises.
- (c) Compliance with the standards contained in [Section 206.061](#) (Home Occupations).

(3) Application

An application for a home occupation permit shall be made on forms provided by the City Manager and include the required information.

(4) Review Process and Criteria

The City Manager shall review the application in accordance with [Section 203.025](#) and the standards stated in [Section 206.061](#) (Home Occupations).

(D) Special Purpose Fences

Fences for special purposes and fences differing in construction, height, or length, may be permitted in any district in the City by the issuance of a special fence permit approved by the City Manager.

(E) Temporary Sale/Event Permit

(1) Permit Required

Except as provided here, no person shall conduct a temporary sale or event without first obtaining a permit to do so. Temporary sales and events include, but are not limited to, sale of merchandise by temporary vendors, temporary promotional sales by merchants, , seasonal sales of seasonal merchandise, sale of flowers or produces, fairs, carnivals and arts and craft sales.

(2) Exceptions

The following temporary sales and events which do not require a permit

- (a) Temporary promotional sales within fully enclosed buildings.
- (b) Up to two (2) seasonal residential sales per residential address per calendar year provided each sale does not exceed four (4) consecutive days.

(c) Art and craft sales conducted by non-profit organizations within a fully enclosed public or quasi-public building such as a school, church, or community center.

(d) Produce of farms or gardens provided the produce is grown by the person conducting the sale.

(3) Application

An application for a temporary sales/event permit shall be made on forms provided by the City Manager and shall be submitted with the required information.

(4) Criteria for Review

All temporary sales and events must comply with the standards in [Section 206.063 \(Temporary Sales/Events\)](#).

(5) Review Process

The City Manager shall review the application administratively in accordance with [Section 203.025](#).

(6) Exceptions to Standards

Any proposed temporary sale or event that does not comply with the standards in [Section 206.063 \(Temporary Sales and Events\)](#) may be approved upon review and recommendation by the Planning Commission and approval by the City Council in accordance with [Section 203.023](#). The City Council may attach reasonable conditions to ensure that the proposed temporary sale or event is compatible with surrounding land uses and to protect the public health, safety, or welfare.

[203.033 Relocated Structure Permit](#)

(A) The relocation of a structure, excluding accessory buildings of less than 120 square feet or other temporary structures, from one location to another location in the City or from a location outside the City to a location in the City shall require a Building Permit in accordance with [Division 211.020](#).

[203.034 Sign Permit](#)

(A) Permit Required

A permit shall be obtained prior to the installation, alteration or display of any sign for which a permit is required, including the installation or alteration of illumination of a sign whether direct or indirect, internal or external. No sign permits shall be approved unless the City Manager finds that the proposed sign meets the standards of [Part 208, Sign Regulations](#),

or is consistent with a Comprehensive Sign Plan approved for the property.

(1) Application

Application for a sign permit shall be made on a form provided by the City Manager and shall be submitted with the required information.

(2) Review Process

The City Manager shall administratively review the application in accordance with [Section 203.025](#) (Administrative Review) and for compliance with the Development Ordinance and the standards in [Part 208](#) (Sign Regulations).

(3) Expiration

Sign permits shall become null and void if the sign is not installed within 180 days after the issuance of a permit.

(4) Permit Exemptions

No permit will be required under this Section for exempt signs specified in [Division 208.040](#).

203.035 Tower/Antenna Permit

(A) Private Antenna/Tower Permit

(1) Purpose

The City's private antenna/tower permit regulations are adopted to:

(a) Provide the minimum practical regulation to address the aesthetic, health, safety, and welfare concerns associated with private antennas and towers.

(b) Reasonably accommodate private antennas and towers.

(2) Permit Required

Private antenna/tower permits shall be required in accordance with [Section 207.040\(A\)](#).

(3) Application

(a) An application for a private antenna/tower permit shall be made on forms provided by the City Manager and shall be submitted with the required information.

(b) A site plan drawn to scale showing the proposed location of the antenna/tower and the dimensions relative to property lines, structures on the site, and structures on adjacent properties. The City Planner may require that this site plan be prepared by a licensed and registered surveyor to ensure its accuracy.

(4) Review Process

Applications for private antenna/tower permits shall be reviewed in accordance with [Section 203.023](#) (Planning Commission/City Council Review).

(5) Review Criteria

The Planning Commission and City Council shall review the application for conformance to the standards in [Section 206.063](#) (Private Antennas) as well as the following:

- (a) The reasonable necessity for the private antenna/tower.
- (b) The appropriateness of the facility design.
- (c) If the request is for an amateur radio facility greater than 55 feet in height, the recommended hours of operation for those times when the facility will be extended to more than 55 feet above grade.
- (d) The appropriateness of construction materials and assembly.
- (e) Maintenance requirements.
- (f) The distance of the private antenna/tower from adjoining property lines.
- (g) Other conditions as necessary to prevent the private antenna/tower or its use from becoming a nuisance to surrounding property owners.

(6) Agreement

The permittee shall be required to enter into a Private Antenna/Tower Agreement in accordance with [Section 203.063](#).

(7) Review and Revocation

The City Manager shall periodically inspect the property for compliance with the provisions of the private antenna/tower agreement. If the permittee is not in compliance with the terms of the agreement, a hearing shall be scheduled before the City Council for the purpose of determining whether to terminate the agreement. The hearing shall be preceded by ten (10) days mailed notice to property owners of record within 350 feet of the property on which the private antenna/tower is located.

(8) Removal

Use of the private antenna/tower shall be discontinued upon termination of the private antenna/tower agreement and prior to the transfer of title for the property on which the facility is located. The property owner shall, at his or her cost, disassemble and remove the private antenna/tower within thirty (30) days of termination of the

private antenna/tower agreement, or the purchaser of the property shall apply for a new permit within thirty (30) days of transfer of title.

(B) Broadcast Tower Permit

(1) Broadcast towers are allowed in the (T) Tower District only and must obtain a Conditional Use Permit pursuant to [Section 203.043](#).

(2) Required Documentation

The following shall be submitted at the time of application for a Conditional Use Permit pursuant hereto:

(a) Site Plan

A plan or plans drawn to scale and acceptable to the City Manager including the following information and detail:

- (i) A boundary survey of the property.
- (ii) A two-foot contour map of the property.
- (iii) Locations of existing and proposed public utilities and easements, each Broadcast Tower, Accessory Equipment and Structures, Broadcast Buildings, Related Broadcast Uses and Other Uses.
- (iv) Ground elevations for Broadcast Towers and/or Accessory Equipment and Structures.

(b) Tower Diagram

A detailed drawing of the Broadcast Tower structure clearly describing the height of the structure and all equipment located on the structure drawn to a scale acceptable to the City Manager.

(c) Structural Integrity Report

A report prepared by a registered engineer stating that the configuration of the tower structure complies with applicable Federal or State of Minnesota safety regulations, or, in the case of the addition or replacement of a Broadcast Tower and a tower 1200 feet or less in height AMSL as such towers are described in the original Conditional Use Permit issued hereunder to the property owner, a report prepared by a registered engineer stating that the design and proposed method of constructing such added or replaced tower complies with applicable Federal and State of Minnesota safety regulations.

(d) Health Study

A report of an independent consultant acceptable to the City and the property owner indicating that Broadcast Tower operations of the applicant together with operations or reasonably foreseeable

operations of all other Broadcast Towers shall not violate any Federal or State of Minnesota health standards established for radio frequency transmission and shall not result in any known risk to public health.

(e) Operating Agreement

An agreement with the City and each property owner which shall describe the property owners' obligation with respect to (a) control of ice build-up on a Broadcast Tower and Accessory Equipment and Structures; (b) responding to complaints by individuals residing within the City regarding interference to consumer electronic equipment; (c) designation of an operator representative to deal with complaints associated with operation of a Broadcast Tower; (d) lighting of a Broadcast Tower; (e) financial consideration; and (f) cooperation with a citizens committee regarding matters relating to the conditional uses.

(C) Wireless Telecommunication Facility (WTF) Permit

(1) Purpose

The City's WTF permit regulations are adopted to:

- (a) Minimize negative impacts of WTFs through careful siting and design standards.
- (b) Protect the public health and welfare through appropriate safety standards.
- (c) Ensure development of these facilities at a scale compatible with and proportionate to existing development.
- (d) Facilitate the provision of wireless telecommunication services to residents and businesses of the City.

(2) Permit Required

No person shall install a new WTF without first obtaining a WTF permit.

(3) Preapplication Conference

The applicant shall present a sketch and basic supporting data of the proposed WTF to the City Manager who shall review the sketch and the City's WTF standards with the applicant at a preapplication conference. The City Manager may, at his or her discretion, forward the sketch to the Planning Commission, the City Council, another appropriate citizen committee or commission, or to neighboring property owners for review and comment.

(4) Application

Applications for a WTF Permit shall be made on forms provided by the City Manager and shall be submitted with all of the required information. A completed application shall include an application fee and escrow deposit in an amount prescribed by City Council, and a signed WTF Escrow Deposit Agreement (see [Section 203.065](#)).

(5) Complete Application

The City Manager shall review the submitted application form and other specified materials to determine whether the application is complete. The City Manager may waive, in writing, certain application requirements when determined unnecessary for review of the application. All items deemed necessary by the City Manager must be submitted for the WTF application to be complete and for review of the application to proceed. Applications found to contain material errors shall not be deemed complete until such errors are corrected.

(6) Review Process

In accordance with [Section 203.023](#), applications for a WTF permit shall be reviewed by the Planning Commission and City Council.

(7) Planning Commission Review

Upon receipt of a completed application, the City Manager shall schedule a hearing before the Planning Commission which shall be preceded by ten days mailed notice to the property owners of record located within 350 feet of the parcel on which the WTF will be located. The Planning Commission shall make findings based upon the standards in Section 207.040(B)(3) and shall submit its recommendations to the City Council.

(8) City Council Review

Upon receipt of the Planning Commission recommendation, the City Council shall review the application. The City Council may approve the application subject to conditions, table its review until a date certain, or deny the application for a WTF permit. The decision of the City Council shall be based the WTF standards specified in Section 207.040(B)(3) and on the information provided in the written record. Notice of the Council's decision shall be provided to the applicant in writing. If the application is approved by the City Council, a WTF Permit shall be issued upon the execution of a WTF Agreement in accordance with Section 203.080(E), compliance with the conditions of approval, and demonstration that the WTF complies with all applicable building, fire, and safety codes.

(9) Recovery of City Costs

At the time of application for a WTF permit, an escrow deposit shall be posted in an amount determined by the City Council. The City may charge against this deposit to recover its costs for reviewing the WTF application. These costs may include, but are not limited to, City staff time over and above that covered by the application fee, consultant fees, and fees for third-party review. If a WTF permit is approved, as a condition of approval, deposit of additional escrow funds may be required. The City will charge against this deposit to offset the City's costs to monitor construction and ensure compliance with the conditions of approval and standards in this ordinance. These charges may include, but are not limited to, City staff time, consultant fees, and fees for third-party review, monitoring, and inspection. Once construction has been completed and the permittee has complied with all conditions of approval, any remaining deposit funds shall be refunded to the party or entity that posted the escrow deposit. Refund of the deposit shall not be construed to limit the City's ability to recover future costs associated with review or monitoring on-going operation of the WTF or future modifications, amendments, or transfer of the facility.

(10) Review and Revocation

The City Manager shall periodically inspect the WTF and the property where it is located for compliance with the provisions of the WTF agreement. If the permittee is not in compliance with the terms of the agreement, a hearing shall be scheduled before the City Council for the purpose of determining whether to terminate the agreement.

(11) Criteria for Review

The WTF Permit may be granted provided the proposed use is listed as a permitted use for the district in which it is located and upon showing that the standards and criteria of the Development Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of the Development Ordinance and the Comprehensive Plan.

(12) Length of Approval

Any use permitted under the terms of the WTF Permit approval shall be established and conducted in conformity to the terms of such permit and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent

the City Council from acting or amending the Development Ordinance that changes the status of an approved WTP to a legal non-confirming use.

(13) Agreement

If the City Council approves the application, a WTF Permit may be issued upon the execution of a Wireless Telecommunication Tower/Antenna Agreement. The agreement or a summary of the agreement approved by the City Manager in recordable form shall be signed by the applicant and property owner, and the terms of the agreement shall include those identified in [Section 203.064](#).

203.040 Zoning Procedures

203.041 Comprehensive Sign Plan

(A) Administrative Review

(1) Eligible Projects

Comprehensive Sign Plan review for multiple signs for a building or property may be reviewed administratively by the City Manager, in accordance with [Section 203.025](#), provided the proposed signage complies with the City requirements; and any deviations proposed are minor, not to exceed the following:

(a) Free-standing Signs

- (i) The area of the free-standing sign exceeds the maximum area permitted by no more than 10%.
- (ii) The height of the free-standing sign exceeds the maximum height permitted by no more than 3 feet.

(b) Wall Signs

- (i) The number of wall signs exceeds the maximum number permitted by two.
- (ii) The length of the wall sign exceeds the maximum length permitted by no more than 10%.
- (iii) The allowable area of the wall sign exceeds the maximum area permitted by no more than 10%.

(c) Multitenant buildings with multiple signs per building:

- (i) No more than one (1) wall sign for each building, which may include a logo.
- (ii) All signs are similar in size and are located within a defined sign band.

- (iii) All signs in use on the property shall be cohesive and compatible in style and construction.
- (iv) If signs are not compatible or are questionable, the City Manager shall require review of the Comprehensive Sign Plan by the Planning Commission and City Council, as described in [Item 2](#) below.

(2) Application

Applications for Comprehensive Sign Plan review shall be made on forms provided by the City Manager and be accompanied by detailed drawings to show the dimensions, design, structure and location for the sign. The applicant must provide any and all information requested by the City Manager for the purpose of determining compliance with the standards of [Part 208](#) of the Development Ordinance.

(3) Criteria for Review

The City Manager may grant approval of the Comprehensive Sign Plan only when the proposed signs comply with the other provisions of [Part 208](#) of the Development Ordinance.

(B) Comprehensive Sign Plan Review by the Planning Commission/City Council

(1) Review

Comprehensive Sign Plan applications not eligible for administrative review shall be processed in accordance with [Section 203.023](#).

(2) Application

Applications for Comprehensive Sign Plan shall be made on forms provided by the City Manager and be accompanied by detailed drawings to show the dimensions, design, structure and location for each sign. The City Manager shall forward completed applications to the Planning Commission.

(3) Criteria for Review

Approval of the Comprehensive Sign Plan may be granted only when the proposed signs comply with the standards of [Part 208](#) of the Development Ordinance. When a deviation is proposed, approval shall be based on findings that:

- (a) The plan proposes signs consistent in style, such as through color, size and materials, throughout the site.
- (b) The proposed deviations from the standards of [Part 208](#) result in a more unified sign package and greater aesthetic appeal between signs on the site.

- (c) The resulting sign plan is effective, functional, attractive and compatible with community standards.
- (4) Length of Comprehensive Sign Plan Approval
Any signs permitted under the terms of Comprehensive Sign Plan approval shall be installed and maintained in conformity to the terms of such plan and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the City Council from action or amending the Development Ordinance.
- (C) Following approval of the Comprehensive Sign Plan, the applicant shall apply for and obtain a sign permit as described in [Section 203.034](#).

203.042 Conditional Use Permits (Floodplain)

(A) Application

- (1) Certain uses may be permitted in the Floodplain District with a Conditional Use Permit provided the standards of [Section 205.052](#) are met so as to promote the public, health, safety and general welfare.
- (2) Applications for a conditional use permit in a floodplain shall be made on forms provided by the City Manager and include the required information.

(B) Review Process

Conditional use permit applications in floodplains shall require a public hearing and shall be processed in accordance with [Section 203.022](#).

(C) Notice and Hearing Procedure

In addition to the notice and hearing requirements in [Section 203.022](#) the City Manager shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Conditional Use sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing.

(D) Issuance and Conditions

The City Council may prescribe such conditions and safeguards, in addition to those specified below, when granting a Conditional Use Permit as it deems necessary to satisfy the intent and requirements of [Section 205.052](#), the Floodplain Management Ordinance. Such conditions may include, but are not limited to, the following:

- (1) Modification of waste treatment and water supply facilities.
- (2) Limitations on period of use, occupancy, and operation.
- (3) Imposition of operational controls, sureties, and deed restrictions.

- (4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (5) 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.

(E) Criteria for Review

The City Council shall consider all relevant factors specified in the Development Ordinance, and:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (2) 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.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a water front location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and the planned use of the property.
- (9) The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area.
- (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (12) Such other factors which are relevant to the purposes of this ordinance.

(F) Notification of Decision

In addition to [Section 203.022\(F\)](#), the City Manager shall forward a copy of all decisions granting Conditional Use Permits to the Commissioner of Natural Resources within ten (10) days of the Council's action.

203.043 Conditional Use Permit (Non-Floodplain)**(A) General**

Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare of the community and to insure harmony with the Comprehensive Plan. The permit shall be granted for a particular use and not a particular person or firm.

(B) Applications

The property owner, individual or other entity that has legal interest in the property may submit applications for a Conditional Use Permit. This application shall be filed with the City Manager on the application form provided by the City and include the required information.

(C) Review Process

Conditional use permit applications shall require a public hearing and shall be processed in accordance with [Section 203.022](#).

(D) Criteria for Review

The Conditional Use Permit may be granted provided the proposed use is listed as a conditional use for the district in which it is located and upon showing that the standards and criteria of the Development Ordinance will be satisfied in addition to the following:

- (1) The use is in harmony with the general purposes and intent of the Development Ordinance.
- (2) The use is in harmony with the policies of the Comprehensive Plan.
- (3) Certain conditions as detailed in the Development Ordinance exist.
- (4) The structure and/or land use conform to the Land Use Chapter of the Comprehensive Plan and are compatible with the existing neighborhood.

(E) Length of Conditional Use Permit

Any use permitted under the terms of a conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. The Conditional Use Permits shall remain in effect for as long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the City Council from action or amending the Development Ordinance to change the status of conditional uses.

(F) Record of Permit

A certified copy of any conditional use permit shall be filed with the Ramsey County Recorder or Registrar of Titles.

203.044 Design Review for Substandard Lots

(A) Administrative Review

(1) Eligible Projects

Design review for the following projects shall be reviewed administratively by the City Manager in accordance with [Section 203.025](#) when any of the following apply:

- (a) Projects on lots that exceed 80% of the minimum required lot width, depth, and area.
- (b) Driveways, sidewalks, patios, and other at-grade structures.
- (c) All detached accessory structures including sheds, garages, and water-oriented structures.
- (d) Attached decks and unenclosed porches.
- (e) Enclosed porches, dwelling additions, and additions to an attached garage, provided said porch or addition is 250 square feet or less.
- (f) A roof modification that increases the useable area within the same footprint without adding a full story to the structure
- (g) A basement excavation within the existing structure footprint
- (h) Any project that meets all zoning requirements except for lot size.

(2) Application

Administrative design review will be performed as part of the Building Permit process. In addition to information required for Building Permit review, the applicant must provide any and all information requested by the City Manager for the purpose of determining compliance with the applicable design standards of the Development Ordinance.

(3) Criteria for Review

The City Manager may grant approval of the design review only when the proposed improvements comply with the applicable design standards of the Development Ordinance. Any variances to the design standards require review and approval by the Planning Commission.

(4) Expiration

Design review approval shall become void within one year from the date of approval unless a building permit has been obtained and construction began or unless the City Manager grants a written extension.

(B) Design Review by the Planning Commission

- (1) Review
The Planning Commission must approve any construction, reconstruction or expansion of a structure on a substandard lot except for those projects eligible for administrative review as described in [Item \(A\)\(1\)](#) above. The Planning Commission review shall be in accordance with [Section 203.024](#).
- (2) Application
Applications for residential design review shall be made on forms provided by the City Manager and include the required information. The City Manager shall forward completed applications to the Planning Commission.
- (3) Criteria for Review
Unless a variance is approved, the Planning Commission may grant approval of the design review only when the proposed improvements comply with the applicable design standards of the Development Ordinance.
- (4) Expiration
Design review approval shall become void within one year from the date of approval unless a building permit has been obtained and construction began or unless the Planning Commission grants an extension.

203.045 Planned Unit Development (PUD) Procedures

(A) Preapplication Conference

The developer is encouraged to establish a preapplication conference with the City Manager to review the developer's plans and inform the developer with the City's procedures, standards and concerns.

(B) Concept Stage PUD (Optional)

(1) Purpose

Concept Stage PUD review is optional and designed to address the appropriateness of a proposal from the perspective of general land use compatibility. Concept Stage PUD review provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire development without incurring substantial cost. The Concept Stage PUD is a public review process that allows the applicant to receive comments from the City and nearby property owners regarding the proposed development. The process is also intended to allow the City and general public a forum to identify

more specific development issues and potential concerns that may require the applicant to provide further information and additional analysis at the Development Stage.

(2) Application

A Concept Stage PUD application shall be made on a form provided by the City Manager and shall be submitted with the required information.

(3) Review Process

The City Manager shall forward the Concept Stage application to the Planning Commission and City Council for review. The Planning Commission will offer comments and suggestions regarding the Concept Plan to the applicant. These comments and suggestions will be forwarded to the City Council, who shall also review the proposal and provide feedback to the applicant. The Council will not take any formal action to approve or deny the application. No comments, remarks or observations made by the City Council, Planning Commission or City Staff on the Concept Plan are binding on the City for subsequent stages.

(4) Notice and Hearing Procedure

(a) Mailed Notice

Notice of the proposal, time and place of the hearing shall be mailed at least 10 days before the date of the hearing to each recorded owner of property within 350 feet of the perimeter of the property which is the subject of the review.

(b) Failure to Give Notice

Failure to give mailed notice or defects in the notice shall not invalidate the proceedings provided a bonafide attempt has been made to comply with the mailed notice requirement.

(C) Development Stage PUD

(1) Purpose

The Development Stage PUD application is intended to provide the City with detailed site and subdivision plans. Development Stage PUD approval, in particular for multiple-phase developments, must establish a scheme or guidelines for the building design, lighting, landscaping, surface water, parking, access and signage aspects of the development. For multi-phase developments, development stage plans consist of a general plan for the entire development and separate detailed plans for each of the phases. For PUDs requiring subdivision approval, the

preliminary plat shall be reviewed simultaneously with the Development Stage PUD.

(2) Application Requirements

An application for a Development Stage PUD shall be made on a form provided by the City Manager and shall be submitted with the required information.

(3) Review Process

After receipt of a complete application that contains all the required information, the City Manager shall process the application with Planning Commission/City Council review in accordance with [Section 203.022](#). A 4/5 majority vote by the City Council is required for approval.

(4) Site and Building Elevation Plans

In cases where the applicant chooses to submit detailed site, landscaping, signage, lighting, surface water management, and building elevation plans as part of the Development Stage PUD approval, a separate Site and Building Elevation plan application may be waived by the City Council for all or part of a PUD.

(5) Criteria for Review

Development Stage PUD Plan approval shall not be granted unless the City Council makes the following findings:

- (a) That the proposal complies with the Shoreview Comprehensive Plan.
- (b) That in those cases where the plan does not comply with the minimum standards of this ordinance, the deviation is to permit a development that provides a benefit to the city as a whole which include but are not limited to one or more of the following:
 - (i) Use of architectural enhancements and sustainable building practices that exceed building and site design standards found in a typical development.
 - (ii) Enhancement of public infrastructure including but not limited to streetscaping, street design, sidewalks, open space and trails.
 - (iii) Use of innovative materials and techniques to minimize stormwater run-off from the site and enhance water quality.
 - (iv) Provides unique or a variety of housing options to meet resident preferences and circumstances at all life stages and at varying affordability levels that supports the City's life-cycle housing and housing affordability goals as identified in the Comprehensive Plan.

- (v) Incorporates the historic preservation of private or public structures, places or parks.
- (vi) Eliminates blighted structures or incompatible uses through redevelopment or rehabilitation. In those instances where a site is to be redeveloped or where the site is adjoined by developed property, that development via a PUD is desirable to insure compatibility with the adjoining land use(s).
- (vii) Incorporates transportation demand management or public transit.
- (viii) Preserves and concentrates open space by providing common open areas or reserving specific amounts of open space on each parcel.
- (ix) The preservation and enhancement of desirable site characteristics such as existing or native vegetation, natural topography and geologic features, and the prevention of soil erosion.

(6) Expiration

Approval of a Development Stage PUD shall become void two months after the Council approval date if the applicant has not submitted the Final Stage PUD request, unless a phasing plan or other timeframe has been approved by the Council or a written request for a time extension has been approved by the Council.

(D) Final Stage PUD

(1) Application

A Final Stage PUD application shall be made on a form provided by the City Manager and shall be submitted with the required information.

(2) Review Process

The City Council shall determine whether the Final Stage PUD is in compliance with the approved Development Stage PUD. If the City Council determines that a substantial change to the plans or conditions of approval is necessary due to unforeseen circumstances or is otherwise required by the developer, the City Council shall refer the Final Stage PUD to the Planning Commission for review in accordance with the Development Stage PUD procedures. Otherwise, if the Final Stage PUD is in compliance with the Development Stage PUD and with all conditions of approval, the City Council shall approve the Final Stage PUD. An affirmative vote of at least three Council members is required for approval of the Final Stage PUD. Upon approval, the City Council

shall also act on the documents as required including the final plat, development contract, erosion control, and public recreational use dedication fees.

(E) The Development Stage and Final Stage applications may be heard by the City Council simultaneously when:

- (1) The proposed project does not require significant changes to existing public rights-of-way, municipal utilities and stormwater infrastructure.
- (2) The proposed use is consistent with the uses permitted in the underlying zoning district.

(F) Amendments to Approved PUDs

Revisions to approved Planned Unit Developments shall be processed as follows:

- (1) Minor changes in location, siting, height of buildings and structures and minor changes to street and easement locations may be administratively authorized by the City Manager without additional public hearings, if required by engineering or other circumstances not foreseen at the time the Development Stage PUD was approved.
- (2) The following substantial changes to a PUD shall require review and approval through the Site and Building Plan Review process, as described in [Section 203.046](#):
 - (a) A change in use that does not increase the intensity of the development.
 - (b) An increase of 10 to 25 percent in the overall lot coverage of structures and other improvements that has a considerable effect on the development plan.
 - (c) A change of 5 to 15 percent open space or green areas that has a considerable effect on the development plan.
 - (d) A change of 5 to 15 percent of off-street parking or loading areas.
- (3) The following substantial changes, and other, similar changes, to a PUD shall require amendments of the Development Stage PUD. All such amendments shall be processed according to the Development Stage PUD review rules.
 - (a) An increase in the intensity of the use or a change in the character of the development.
 - (b) A change of more than 25 percent in the overall lot coverage of structures and other improvements that has a considerable effect on the development plan.
 - (c) A major change in traffic circulation.

- (d) A change of more than 15 percent of open space or green areas.
- (e) A change of more than 15 percent of off-street parking or loading areas.
- (f) A reduction in the effectiveness or extent of surface water management plan as determined by the City Engineer.

203.046 Site and Building Plan Review

(A) Permit Required

Approval is required for all site and building plans for the improvement, development, alteration, or expanded use of any property in any district except property utilized or proposed for utilization in connection with single-family detached dwellings, single-family attached dwellings, twinhomes, and two- to four-unit dwellings.

(B) Application

An application for site and building plan review shall be made on forms provided by the City Manager and shall be submitted with the required information.

(C) Review Process

Site and Building Plan Review applications shall be processed in accordance with [Section 203.023](#) (Planning Commission/City Council Review).

(D) Criteria for Review

The Site and Building Plan review may be granted provided the proposed use is listed as a permitted use for the district in which it is located and upon showing that the standards and criteria of the Development Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of the Development Ordinance and the Comprehensive Plan.

(E) Length of Site and Building Plan Approval

Any use permitted under the terms of Site and Building Plan approval shall be established and conducted in conformity to the terms of such permit and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the City Council from action or amending the Development Ordinance to change the status of said approval.

(F) Agreement

The applicant may be required to enter into a Development Contract in accordance with [Section 203.061](#).

203.047 Variances

(A) Application

- (1) An application for a variance or variances (herein collectively “variance”) from the provisions of this Development Ordinance shall be made on forms provided by the City Manager. Completed applications shall be forwarded to the Planning Commission.
- (2) Variance requests for variances to well and water line setbacks are governed by the Minnesota Department of Health and shall therefore include the following additional information with any application:
 - (a) Specific information on the Minnesota Rule or Rules from which the variance is requested.
 - (b) Reasons why the rule is difficult or inappropriate.
 - (c) A description of the practical difficulty (See Section 203.070(C) for definition of practical difficulty) that prevents compliance with the setback.
 - (d) How the variance will ensure a comparable degree of protection to public health or the environment if the variance is granted.
 - (e) The length of time for which the variance is requested.
 - (f) Cost considerations.
 - (g) Proximity of the system to other systems.

(B) Review Process

The Planning Commission shall review completed variance applications pursuant to Shoreview City Code [Section 203.024](#) and Minnesota Statute §15.99. Modifications shall not be made to the variance application during the review process.

(C) Criteria for Review

The following criteria shall be applied to the City’s review of a variance application:

- (1) Purpose and Intent
The variance request shall comply with the purpose and intent provisions of City Code [Part 201](#) and with the policies of the City’s Comprehensive Plan.
- (2) Practical Difficulties
The application for a variance shall establish that there are practical difficulties in complying with the provisions of the Shoreview

Development Regulations. The term “Practical Difficulties” as used in the granting of a variance means:

(a) Reasonable Manner

The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.

(b) Unique Circumstances

The plight of the property owner is due to circumstances unique to the property not created by the property owner.

(c) Character of Neighborhood

The variance, if granted, will not alter the essential character of the neighborhood.

(d) Economic Consideration

Economic consideration alone does not constitute practical difficulties.

(e) Access to Sunlight

Inadequate access to direct sunlight for solar energy systems shall be considered a practical difficulty.

(f) Earth Sheltered Housing

Earth sheltered construction, as defined in [Minnesota Statutes §216\(C\)06, Subd. 14](#), shall be considered a practical difficulty if the property is otherwise in compliance with the Shoreview Development Regulations.

(g) Non-Permitted Use

A variance shall not be granted if it would allow a use which is not otherwise permitted in the zoning district where the property is located.

(D) Conditional Approval

The Board of Adjustments may impose conditions in granting a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(E) Expiration

An approved variance, which is not implemented within one year from the date of approval, shall become void.

(F) Decision and Appeal

Decisions of the Planning Commission shall be final unless the applicant or other aggrieved party appeals to the City Council. Appeals shall be processed in accordance with [Section 203.026](#).

203.050 Amendments**203.051 Comprehensive Plan Amendment****(A) Application**

Amendments to the Comprehensive Plan may be initiated by the City Council or Planning Commission, a resident of the City or property owner within the City. An application for an amendment shall be made on a form provided by the City Manager and shall be submitted with the required information.

(B) Metropolitan Council

All proposed amendments, except housekeeping amendments and amendments to the Capital Improvements Program, must be submitted by the City Manager to the Metropolitan Council and affected governmental units for comment. No amendment may be put into effect until accepted by the Metropolitan Council.

(C) Review

The Planning Commission shall hold at least one public hearing and a notice of the time, place and purpose of the hearing shall be published at least ten (10) days before the hearing. The Planning Commission shall make a recommendation to the City Council.

(D) Criteria for Review

The Planning Commission and City Council shall consider the following elements when making recommendation or decision regarding the Comprehensive Plan amendment:

- (1) The site and the characteristics of adjoining planned land uses;
- (2) Probable building mass differences;
- (3) Traffic generation;
- (4) Separation to dissimilar land uses;
- (5) Carrying capacity of the site (sewer, water, access, topography, etc.);, and
- (6) Buffering potential of dissimilar but adjoining land uses.

(E) Decision

The City Council has the authority to grant or deny the amendment based on a 4/5-majority vote of its entire membership and the adoption of a resolution.

203.052 Development Ordinance Text Amendment**(A) Application**

Requests for amendments to the text of the Development Ordinance may be initiated by the City Council, the Planning Commission or an affected property owner. An application for a text amendment shall be made on a form available from the City Manager and shall be submitted with the required information.

(B) Review Process

Applications for amendments to the Development Ordinance text shall be reviewed via the public hearing process in accordance with [Section 203.022](#), except that no mailed notice shall be required.

(C) Decision

The City Council has the authority to grant or deny the amendment based on a 4/5-majority vote of its entire membership.

203.053 Zoning District Boundary Amendment

(A) Application

Requests for the rezoning of property may be initiated by the City Council, the Planning Commission or an affected property owner. An application for a zoning district boundary map amendment shall be made on a form provided by the City Manager and shall be submitted with the required information.

(B) Review Process

Applications for amendments to the Zoning District Map boundaries shall be reviewed via the public hearing process in accordance with [Section 203.022](#).

(C) Criteria for Review

The Planning Commission and City Council shall consider the following when making recommendation or decision regarding the zoning district amendment:

- (1) That the proposed rezoning is consistent with the policies of the Comprehensive Plan and with the general purpose and intent of the development regulations.
- (2) That the development facilitated by the proposed rezoning will not significantly and adversely impact the planned use of the surrounding property.
 - (a) Rezoning proposals are exempt from this finding:
 - (i) When only one zoning district option is available for the site on the current Land Use Plan Map designation; or

- (ii) When the proposed zoning district option is not the most intensive option identified for the site by the Land Use Plan Map designation in the Comprehensive Plan.
 - (iii) When more than one zoning district option exists, the base line from which to measure any significant adverse impact relative to the planned use of surrounding property shall be:
 - (iv) The current zoning if such zoning is not planned unit development (PUD);
 - (v) The underlying or assigned zoning if the current zoning is planned unit development (PUD); or
 - (vi) When rezoning from Urban Underdeveloped (UND), the most restrictive zoning district option permitted by the current Land Use Plan Map designation for the site.
 - (vii) That the applicant is willing to enter into a development agreement with the City as a condition of rezoning approval.
- (3) If the request is to rezone a parcel to the Telecommunications Overlay District, the Planning Commission must also make the following additional findings:
- (a) That the new site is necessary and that useable sites already appropriately zoned are not located within a ½-mile radius of the proposed new site; and
 - (b) That the proposed site will further the City's objective that all antennas and towers be designed to blend into the surrounding environment; and
 - (c) That there are site features such as trees, topography, buildings, or utility poles that reduce or eliminate the visual impact of the proposed tower;
 - (d) That there are no public health or safety issues with the proposed site.
 - (e) That the proposed site can comply with the standards in **Part 206**.
 - (f) That the proposed site would provide new opportunities for collocation.
 - (g) That the proposed site is necessary to reasonably accommodate a wireless telecommunications service.
- (D) Decision
- The City Council has the authority to grant or deny the amendment based on a 4/5-majority vote of its entire membership.

203.060 Development Agreements

203.061 Development Contract

(A) Contract Required

A Developer Contract will be required and executed prior to issuance of all building permits, installation of public or private infrastructure, recording of a subdivision, and final construction plan approval for multiple-family residential, commercial, office or industrial developments. The Developer shall enter into a written contract and submit required financial securities to the City. The Development Contract will require the Developer to furnish and construct said public and private infrastructure improvements at his/her sole cost and in accordance with City approved construction plans and specifications, City Standards, City Ordinances, City Policies and the Development Contract.

(B) Inspection

- (1) The Development Contract may include provisions for one or more full-time City personnel or its representative at the City Manager's discretion. The Developer shall pay all costs incurred by the City in conjunction with the development of the plat. The Developer shall also provide a qualified and experienced engineer to inspect the installation of Public Infrastructure.
- (2) The Developer shall also instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control to the extent that the Developer's engineer will be able to certify that the construction work meets the approved City standards as a condition of City acceptance. All documentation that relates to the installation and design of the Public Infrastructure shall be made available to the City for their records and files.
- (3) The City's role as an inspector for the project is to inspect only the Public Infrastructure and not to be a manager of the project.

(C) Supervision

This contract shall include provision for supervision of details of construction by City Manager and grant to the City Manager authority to correlate the work to be done under said contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the City in the vicinity.

(D) Reimbursable Costs

All costs, which accrue by the City during the inspection or review of the public infrastructure, shall be reimbursed by the Developer to the City. The City will invoice the developer for the time spent on the project.

(E) Security

(1) Required Public Improvements

The developer shall provide a certified check, a cash deposit, or an irrevocable letter of credit of a sufficient amount to assure the City that such public improvement and utilities will be constructed and installed according to approved specifications. The financial guarantee shall be approved as to form by the City Attorney and filed with the City. The City Attorney may permit other forms of financial guarantees upon approval.

(2) Private Improvements

The developer shall provide a certified check, a cash deposit, or an irrevocable letter of credit of a sufficient amount to assure the City that landscaping, screening or other improvements will be completed by a specific date and in accordance with approved plans. The financial guarantee shall be approved as to form by the City Attorney and filed with the City. Other forms of financial guarantees may be permitted upon approval by the City Attorney.

(F) Amount of Financial Guarantee

(1) Required Public Improvements

The amount of the financial guarantee shall be 125% of the City Manager's estimate of the total cost of the construction and installation of the public improvements and utilities required above and administrative overhead fees, including costs of inspection by the City. The City shall be entitled to draw upon said financial guarantee to reimburse itself for any cost and expense incurred by the City for completion of the work in the event of default by the developer and for any damages sustained on account of said default. Upon completion of the work and the termination of any liability, the balance of the financial guarantee that remains, if any, shall be refunded to the developer.

(2) Private Improvements

The amount of the financial guarantee shall be 125% total cost for completion of landscaping, screening or other improvements by a specific date and in accordance with approved plans. The City shall be entitled to draw upon said financial guarantee to reimburse itself for

any cost and expense incurred by the City for completion of the work in the event of default by the developer and for any damages sustained on account of said default. Upon completion of the work and the termination of any liability, the balance of the financial guarantee that remains, if any, shall be refunded to the developer.

(G) Partial Completion

On written request of the developer, the contract may provide for completion of part of the improvements covered thereby prior to acceptance of the improvements. In such event the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of the improvements to a minimum of 10% of the total security. The City will retain the minimum 10% until the warranty period expires or other acceptable securities are provided to the City in the amount of 10% of the total project cost. The financial guarantee at any time could be used to ensure the City's development fees charged to the project. The City may also withhold additional securities to cover any outstanding or past due City Development fees.

(H) Time for Completion

The time for completion of the work and the several parts thereof shall be determined by the City Council upon recommendation of the City Manager after consultation with the developer. This time for completion shall be reasonable with relation to the work to be done, the season of the year, and proper correlation with construction activities in the plat and subdivision. The developer may request the time for completion be extended provided a request is submitted to the City Manager a minimum of 60 days prior to the expiration of the completion date.

(I) Warranties

All public infrastructure projects will require a warranty against poor material and faulty workmanship. The warranty period for all underground public utility work is a minimum of two years. The one year warranty period for streets, grading and other public infrastructure shall commence after the final wear course has been completed and acceptance by City Council resolution. The warranty period on underground utilities shall commence following their completion and acceptance in writing by the City Manager.

203.062 Erosion and Sediment Control Agreement

(A) Agreement Required

Prior to issuance of a grading or building permit, prior to the construction of the public improvements required by the City, or prior to release of the final plat by the City, whichever event occurs first, the City Manager or City Council requires the developer to enter into an Erosion and Sediment Control Agreement with the City.

(B) Escrow

The developer agrees to deposit with the City an amount that shall be ordained from time to time by the City Council. These funds may be utilized by the City to maintain all erosion and sediment control devices on the development site, including the cleaning of all road and storm sewer systems, until the City Manager has determined that erosion control has been satisfied. The security may also be utilized for clean-up or restoration of areas off of the development site that are directly or indirectly impacted by conditions on the site. Interest shall not accrue on these funds. If it becomes necessary for the City to utilize all or a portion of the surety, Developer shall immediately deposit cash in an amount sufficient to re-establish the original surety amount and, until Developer makes such a deposit, no further development may occur on the Property. Any funds not utilized by the City shall be returned to the developer after the improvements and the development of the subject property have been completed and any erosion control permits with other governing agencies that have jurisdictional authority have been closed out. This deposit shall be in addition to any other required financial guarantees.

(C) Corrective Action

(1) Notice of Correction

The City will conduct inspections of the property from time to time, and will notify the developer of any required correction by phone, fax, letter, email or posting a correction notice on-site.

(2) Corrective Action Required

The developer agrees, upon notification from the City Manager that proper erosion control methods are not being taken, to remedy the problem identified within 24 hours. In the event the remedy is not satisfactorily in place within that time period, the City may utilize the surety to complete the necessary work.

203.063 Private Antenna/Tower Agreement

(A) Upon approval of a private antenna/tower permit and before installation of any improvements, the permittee shall enter into a Private Antenna/Tower Agreement.

(B) Terms

The agreement shall be signed by the applicant and the terms of the agreement shall include the following:

- (1) A list of the conditions of approval of the private antenna/tower permit.
- (2) A statement indicating that failure to comply with the conditions of approval shall result in the removal of the private antenna and/or tower.
- (3) A statement indicating that the expenses incurred by the City to enforce the provisions of the private antenna/tower agreement shall be reimbursed by the applicant.
- (4) A statement which requires the applicant to utilize the procedures established by the FCC to resolve any complaints received relating to interference allegedly caused by the private antenna/tower.
- (5) A statement indicating that the private antenna/tower shall be valid during the term of the private antenna/tower agreement and only while the applicant resides on the property. The applicant shall agree to notify the City if he/she no longer resides on the property or of a transfer of title.

203.064 Wireless Telecommunication Facility (WTF) Agreement**(A) Agreement**

Upon approval of a WTF permit and prior to installation of any improvements, the permittee shall enter into a WTF agreement. The agreement shall be signed by the applicant and property owner and the terms of the agreement shall include the following:

(B) Terms

- (1) A list of the conditions of approval to the WTF Permit.
- (2) A statement indicating that failure to comply with the conditions of approval shall result in the revocation of the permit and removal of the facility.
- (3) A statement indicating that the expenses incurred by the City to enforce the provisions of the WTF agreement shall be reimbursed by the applicant.

- (4) A statement which requires the applicant to utilize the procedures established by the FCC to resolve any complaints received relating to interference allegedly caused by the facility.
- (5) A statement indicating the permittee will cooperate in good faith and fair dealing in collocating wireless telecommunication facilities.
- (6) A statement indicating that the WTF shall be maintained in good and safe condition and to preserve its original appearance and concealment, disguise or camouflage elements incorporated into the design at the time of approval. Such maintenance shall include, but is not limited to, painting, repair of equipment, and maintenance of landscaping.
- (7) A statement authorizing the City to enter the property for the purpose of periodic inspections to determine that the site complies with conditions of approval and all safety and building codes. This statement shall give the City the right to conduct such inspections at any time upon reasonable notice to the property owner(s), and that all expenses related to such inspection shall be borne by the permittee.
- (8) A statement indicating that a WTF which has not been used for twelve (12) successive months shall be deemed abandoned and may, at the sole discretion of the City, be required to be removed in the same manner and pursuant to the same procedures as for dangerous or unsafe structures established by Minnesota State Statutes, Section 463.16.
- (9) A statement indicating that the removal of any unused or abandoned tower or portions of towers shall be the responsibility of the property owner.
- (10) A statement requiring the permittee to notify the City that the WTF continues to be in operation. The notice of continuing operation shall be sent to the City Planner annually by certified mail during the last two weeks of the month of December.

203.065 Wireless Telecommunication Facility (WTF) Escrow Deposit Agreement

At the time of application for a WTF permit, the applicant shall enter into a WTF Escrow Deposit Agreement with the City. The applicant shall submit a deposit in an amount determined from time to time by resolution of the City Council. The agreement shall indicate that the funds deposited may be utilized by the City to offset its costs from review of the WTF permit application and, if the application is approved, to monitor construction and

ensure compliance with conditions of approval. Interest shall not accrue on these funds. Any funds not so utilized by the City shall be returned to the applicant after the installation of the WTF has been completed and the City has determined compliance with the conditions of approval and the standards in the Development Ordinance. This escrow deposit shall be in addition to any other required financial guarantees.

204 Subdivision

204.010 General Requirements

(A) Conveyance Restrictions

No conveyance of land in which the land conveyed is described by metes and bounds shall be made or recorded without City approval unless such parcel is a separate parcel of record at the time of the effective date of this ordinance.

(B) Unsuitable Land

No land shall be subdivided which is held unsuitable by the City of Shoreview for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities.

All lots within the floodplain districts shall be subdivided and contain a building site outside of the Floodway Districts (FW, FF, GF) at or above the regulatory flood protection elevation in accordance with [Section 205.052](#) Floodplain Management Overlay District. For property that is not subject to the provisions of [Section 205.052](#), all lots shall contain a building site that complies with the City's adopted Surface Water Management Plan and the requirements of [Part 207.080](#).

(C) Building Permits

No building permit shall be issued for any lot, which has not been subdivided in accordance with this chapter, predecessors to this chapter, and other regulations applicable to the subdivision of land.

(D) Large Lot Subdivision

Where parcels of land are subdivided into residential lots greater than 24,000 square feet or 150 feet in width at the front setback line, the plat shall be designed and shall show (in dashed lines) how lots can be re-subdivided at some later date.

204.020 Platting Procedures

204.021 Overview

Except as hereinafter provided, all divisions of property shall be by means of an approved plat.

204.022 Plats Not Allowed

No plan will be approved for a subdivision which includes any area subject to periodic flooding or which contains extremely poor drainage capabilities which would make adequate drainage of the streets and lots impossible,

unless the subdivider agrees to make improvements which will, in the opinion of the City Manager, make the area completely safe for occupancy and provide adequate street and lot drainage.

204.023 Minor Subdivision

(A) The City Council may exempt the applicant from complying with all or some of the provisions of the platting regulations if the subdivision meets all of the following criteria for being a minor subdivision:

- (1) The subdivision results in three (3) or fewer parcels;
- (2) The subdivision has frontage on an existing public street and does not require the construction of any new public improvements; and
- (3) The subdivision involves properties zoned R1, Detached Residential, R1A, Mixed Detached and Attached Residential, and R2, Attached Residential.

(B) Application

The property owner, individual or other entity that has legal interest in the property may submit an application for a minor subdivision on forms provided by the City Manager and shall be submitted with the required information. The application shall include the submission of a Certificate of Survey including metes and bounds legal descriptions. If required by Ramsey County, registered properties may be required to submit a Registered Land Survey.

(C) Review Process

After receipt of a complete application that contains all the required information, the application shall be reviewed through the Planning Commission/City Council review process in accordance with **Section 203.023**.

(D) Recording

Upon City Council approval and City signatures on the revised deed, the applicant shall record the deed with the County Register of Deeds, as provided for by that office within one year of approval.

204.024 Pre-application Conference/Sketch Plan Review

Other than for minor subdivisions, a developer is encouraged to review the sketch and the City's development regulations with the City Manager at a pre-application conference.

204.025 Preliminary Plat

(A) Application

The property owner, individual or other entity that has legal interest in the property may submit an application for a preliminary plat on forms provided by the City Manager and shall be submitted with the required information.

(B) Review Process

After receipt of a complete application that contains all the required information, the application shall be reviewed through the public hearing review process in accordance with [Section 203.022](#).

(C) Decision

Within 120 days of the developer's request for preliminary plat, the City Council shall either approve or disapprove the preliminary plat. The approval of a preliminary plat by the City Council shall only constitute acceptance of the design as a basis for the preparation of the final plat by the owners or subdividers. Subsequent approval by appropriate officials having jurisdiction will be required of the proposals pertaining to water supplies, storm drainage, sewage disposal, sidewalks, grading, gradients and roadway widths and the surfacing of streets, prior to the approval of the final plat. The subdivider shall also present evidence that the plat has been reviewed by and meets the requirements of those responsible for the provision of gas, electric and telephone service.

204.026 Final Plat

(A) Ramsey County Standards

A final plat shall be prepared as in compliance with the Ramsey County Manual of Guidelines for Subdivision Plats dated June 2017 as adopted by the Ramsey County Board of Commissioners by Resolution 92-554 and any amendments thereto.

(B) Application

An application for final plat shall be made on forms provided by the City Manager and shall be submitted with the required information.

(C) Review Process

Within 60 days of the developer's request for final plat review, the City Council shall either approve or disapprove the final plat if the applicant has complied with all conditions and requirements upon which the preliminary plat was expressly conditioned.

(D) Recording

Upon City Council approval and City signatures on the final plat, the applicant shall record the final plat with the County Register of Deeds, as provided for by that office.

(E) Effect of Subdivision Approval

For one year following preliminary plat approval and for two years following final approval, unless the City and the developer agree otherwise, no amendment to the Comprehensive Plan or Development Ordinance shall apply to or affect the use, development density, lot size, lot layout, or dedication required or permitted by the approved preliminary or final plat.

204.030 Public Recreational Use Dedication**204.031 General**

If the City Council reasonably determines that a proposed development or subdivision will increase the demand for public recreational uses, such as parks, playgrounds, trails and open space, the City Council, as part of any subdivision or development, may require the developer to dedicate, reserve, or otherwise convey to the City a reasonable portion of the total area of the proposed development or subdivision for public use as parks, playgrounds, trails or open space; or, in lieu thereof, the City Council, at its option and in order to facilitate city-wide planning for public recreational uses, may require the developer to contribute to the City the cash equivalency of such public recreational use dedication based upon the fair market value of the land at the time of final plat, PUD final plan or other subdivision approval. The term "land" includes land, which has utilities or improvements available to it or located on it.

204.032 Land Dedication

Land dedication for public recreational use shall not exceed 10 percent of the total area proposed for development or subdivision. In determining the amount of acreage to be dedicated for public recreational use, the City Council may consider the amount of open space, park, recreational, or common areas and facilities which the developer will reserve for use by occupants of the proposed development or subdivision. No area may be dedicated for public recreational use unless the City Council determines that the land is suitable for such purpose.

204.033 Cash Equivalent Payment

(A) Where a cash payment is required in lieu of a land dedication, the City Manager shall determine the fair market value of the land by reference to current market data, if available, or by obtaining an appraisal of the land from a licensed real estate appraiser. The developer shall pay the cost of

such appraisal before final plat, PUD final plan, or other subdivision approval. The fair market value conclusions of the appraiser shall be conclusive. Except as hereinafter provided, the cash equivalency payment shall be due and payable on or before the execution of a development agreement or release of the final plat by the City.

- (B) In the case of a minor subdivision, the cash payment in lieu of the land dedication shall be pursuant to the fee schedule as set by City Council resolution.

204.034 Cash Equivalency Payment

- (A) The cash equivalency payment required on commercial, industrial, office or a mixture of such uses shall be an amount determined by the City Council and shall not exceed 10 percent of the fair market value of the land proposed for development or subdivision. The cash equivalency payment required on a residential use shall depend upon the density of dwelling units per acre on the proposed development or subdivision, and shall be determined by reference to the following table:

Proposed Dwelling Units per Acre	Percentage of Fair Market Value
0-2	4%
2.1-3	5%
3.1-4	6%
4.1-5	7%
5.1+	10%

- (B) Re-subdivision

In the event of a re-subdivision of land on which a previous cash equivalency payment has been made, the developer shall receive credit for the amount of previous payment, which was applicable to the area being re-subdivided.

- (C) Installment Payments

The City Council, at its option, may permit the developer to submit the cash equivalency payment over a period of time pursuant to an installment payment agreement approved by the City's Attorney. The agreement shall require the payment of interest on the unpaid principal and shall require final payment within eighteen months. The City may

withhold development or building permits if the developer does not comply with the terms of the installment agreement.

(D) Public Recreational Use Fund

Cash payments received in lieu of land dedications shall be placed in a special fund and used only for the acquisition or development of land for parks, playgrounds, trails or open space, or for retirement of debt incurred for such purposes.

204.040 Subdivision Standards

204.041 Block Layout

(A) Arrangement

A block shall be so designed as to provide two tiers of lots except where lots back onto a major street, natural feature, railroad or subdivision boundary, in which case, it may have a single tier of lots.

(B) Length

The maximum length of blocks shall be 1,800 feet and the minimum length, 500 feet. Blocks over 900 feet long may require pedestrian ways at least ten feet wide at their approximate center.

204.042 Easements

(A) Utility. Utility easements shall be provided as required by the City Manager.

(1) Easements at least 10 feet wide centered on the rear and side lot lines shall be provided for utilities where necessary. They shall have continuity of alignment from lot to lot and block to block.

(B) Drainage. Drainage easements shall be provided as required by the City Engineer.

Drainage easements shall be provided along each side of any watercourse to establish a storm sewer, drainage or floodway right-of-way. Its boundaries shall conform substantially with the centerline alignment of such watercourse.

204.043 Public Utility and Improvement Dedication

As part of any subdivision or development within the City, the City Council may require the developer to dedicate, reserve, or otherwise convey to the City a reasonable portion of the total area of the proposed development for use as streets, alleys, roads, sanitary sewer, water mains and appurtenances, storm sewer, storm water drainage areas or holding ponds, electric, gas, cable television and telephone transmission lines, and similar public improvements

and utilities. For plats that include 300 or more feet of shoreline along a public water, the City Council may require one pedestrian access at least 25 feet in width extending from the nearest street to the shoreline for every 500 feet of shoreline.

204.044 Lot Requirements

The following lot standards are intended to create development patterns that enhance adjacent existing development patterns, by insuring adequate light, air, and safety.

(A) Substandard Lots of Record

Refer to the requirements set forth in [Part 205.020](#).

(B) Frontage

All lots shall front on a publicly dedicated right-of-way unless a private street is permitted through a planned unit development.

(C) Butt Lots

Butt lots shall be discouraged. Where such lots must be used to fit a particular subdivision plan, such lots shall be at least 15 feet wider than the average required minimum lot width of the district in which it is located.

(D) Side Lot Lines

Side lines of lots shall be substantially at right angles to straight street lines, or radial to curved street lines.

(E) Minimum Lot Lines

No lot shall have a front or rear lot line of less than 40 feet in length. Flag lots shall be prohibited. If the front line of any lot shall be a curve or partial curve, the frontage for purposes of minimum requirements will be measured at the building setback line.

(F) Double Frontage Lots

Double frontage lots (lots with frontage on two parallel streets) shall not be permitted except where lots back to a major thoroughfare. Such lots shall have an additional depth of at least 15 feet in order to allow for screen planting and berming along the back lot line.

(G) Corner Lots

Corner lots shall be platted at least 15 feet wider than the minimum width requirements.

(H) Rear Lot Lines

Rear lot lines shall generally abut the rear lot lines of adjacent developed property, except for lots proposed at the end of a cul-de-sac. If this is not possible, the unique characteristics of the parcel proposed for subdivision must be evident.

(I) Key Lots

Key lots shall be discouraged. Where such lots must be used to fit a subdivision plan, such lots shall include at least 15 feet more depth or width than the required minimum lot depth or width of the district in which it is located.

(J) In the event that proposed parcel results in any adjacent development parcel meeting the definition of a Key or Butt Lot, the City reserves the right to require greater lot width or depth for the newly created parcel, and to increase the structure setback for the proposed subdivision.

204.045 Streets

(A) Street Layout and Dedication

The arrangement, functional classification, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and the approved Municipal State Aid Street System.

(B) Half Streets. Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided.

(C) Private Streets

Private streets may be permitted by the procedures for a Planned Unit Development.

(D) Street Continuation and Extension

The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions.

(E) Cul-de-sacs

The maximum permitted cul-de-sac length is 500 feet. Where certain topographic features or other unusual circumstances dictate, special consideration may be given to accepting longer cul-de-sacs.

(F) Future Projection of Streets

Where adjoining lands are not subdivided, streets in the new subdivision shall be required to extend to the boundary line of the tract to make provision for future access into adjacent areas. Temporary turnarounds shall be provided on these streets as approved by the City Manager.

(G) No Dead Ends

In the development of subdivision or a plat, the street construction may be undertaken in parts or sections of the plat, providing that the petitioner includes in each separate undertaking streets which will make a complete circuit so that there will be no dead ends when construction of a particular section has been completed, except as allowed per [Item E](#) above.

(H) Design Criteria

See Part 402, Streets.

204.046 Utilities

(A) General

(1) Undergrounding Required

Except as hereinafter provided, all public or private utility distribution lines, including cable television distribution lines, shall be buried underground.

(a) Facilities appurtenant to underground utility distribution lines including lift stations, hydrants, meters, transformers, pedestals, and other appurtenances approved by the City Manager are exempted from this requirement.

(b) Cable television distribution lines shall be constructed in accordance with the Cable Franchise Agreement, Ordinance 690.

(c) Temporary aboveground installation of utility distribution lines shall be permitted when necessitated by emergency repairs to existing underground utility distribution lines. Temporary aboveground utility distribution lines shall be permitted to serve a construction project or a customer where grade cannot be established within a reasonable time or frozen ground conditions prevent economical placement of underground utility distribution lines. Temporary aboveground utility distribution lines shall be replaced by permanent underground utility distribution lines within one full construction season following the temporary placement or such later date as may be approved by the City Manager.

(d) The City Council may waive the requirement that utility distribution lines be constructed underground upon a finding that placement of utility distribution lines underground would not be compatible with the proposed development plan; or upon a finding that unusual topography, soil, or other physical conditions make the installation of underground utility distribution lines unfeasible.

(2) Utility Company Approval

The developer and/or property owner shall file a written statement with the City Manager from the appropriate utility company indicating that the developer and/or property owner has made the necessary arrangements with the utility company for the construction of underground utility distribution lines. The statement of utility company authorization shall be filed with the City Manager prior to construction

of the underground utility distribution lines at the time of filing of site plans or prior to final plat approval, whichever event occurs first.

(3) Dedication or Conveyance of Utility Easements

The developer and/or property owner shall indicate the location of proposed utility easements on site plans submitted to the City Manager. The necessary utility easements shall be shown as dedications on the final plat, or, where formal platting is not required, shall be conveyed to the City before issuance of building permits.

(4) Maintenance of Utility Easement During Construction

The developer and/or property owner shall be responsible for establishing and maintaining a utility easement preliminary grade to within 6 inches of the final grade. Utility easement areas shall be kept free and clear of all structures, plantings or obstructions, except fences constructed in accordance with the Shoreview City Code, so that utility companies may install and maintain underground distribution lines.

(5) Excavation Near Existing Underground Distribution Lines

In the interest of public safety and to avoid possible damage to underground utility distribution lines, no person shall excavate in any easement containing underground utilities without first notifying the utility company whose lines occupy the easement; provided, however, such excavation shall not be considered in violation of this provision unless the excavator has actual notice of the existence of the underground utility or unless the easement has been recorded with the Ramsey County Recorder.

(6) Utilities Located in Floodplain

All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the floodplain shall be flood proofed in accordance with State Building Codes or elevated to above the Regulatory Flood Protection Elevation.

(B) Water Facilities

- (1) All new plats shall be required to be served with municipal water.
- (2) Water supply lines shall be extended and service connections shall be stubbed into the property line of each lot.
- (3) All new structures requiring water facilities shall connect to the municipal water system if available.

(C) Sewage Treatment

- (1) Sanitary sewer mains and service connections shall be installed to service all lots and shall be connected to the public system.

- (2) All new structures requiring sewage treatment facilities must connect to the public sanitary sewer facilities. Building permits shall not be issued for new structures requiring sewage treatment unless public sanitary sewer is available except as allowed under [Part 207.100](#).

(D) Storm Sewer

- (1) All development must provide storm sewer facilities to adequately manage surface waters.
- (2) All systems must be approved by the City Manager.
- (3) All systems must be designed to insure that the storm water runoff from a developed site will leave at no greater rate or significantly lesser quality than the storm water runoff from the site in an undeveloped condition.
- (4) All storm sewer systems with ponds must be designed to handle the one hundred year storm event. All storm sewer pipes must be designed at a minimum to handle the five-year storm event.
- (5) No land shall be developed and no use shall be permitted resulting in water runoff, causing flooding, erosion or deposit of minerals on adjacent properties. Such run off shall be properly channeled into a storm drain, watercourse, ponding area or other public facilities.

204.047 Monuments

Monuments of a permanent character as required by [Minnesota Statutes Section 505.021](#) shall be placed at each corner or angle on the outside boundary of the subdivision. Pipes or steels rods shall be placed at each corner of each lot and at each intersection of street centerlines.

204.048 Construction Plans

(A) Engineer Drafting

Construction plans for the required improvements conforming in all respects to the standards of the City and the applicable ordinances shall be prepared at the subdivider's expense by a registered professional engineer and said plans shall contain his/her seal. Such plans together with the quantity of construction items shall be submitted to the City Manager for approval.

(B) As-Builts

Upon the City Manager's certificate of compliance, the subdivider shall furnish the City with as-built drawings prepared by a registered professional engineer showing the improvements as built or in place.

205 Development Districts

205.010 General Provisions

205.011 Zoning Districts Established

(A) Base Districts. The City is hereby divided into the following base zoning districts:

- (1) RE, Residential Estate District
- (2) R1, Detached Residential District
- (3) R1A, Mixed Detached and Attached Residential District
- (4) R2, Attached Residential District
- (5) R3, Multiple Dwelling Residential District
- (6) R4, Mobile Home Residential District
- (7) C1, Retail Service District
- (8) C2, General Commercial District
- (9) OFC, Office District
- (10) BPK, Business Park District
- (11) I, Light Industrial District
- (12) MU-N Mixed Use Neighborhood District
- (13) MU-C Mixed Use Community District
- (14) MU-TC Mixed Use Town Center District
- (15) INST, Institutional District
- (16) T, Tower District

(B) Overlay Districts. In addition to the base zoning districts above, the following overlay districts have been established:

- (1) AD, Arterial Development Overlay District
- (2) FP, Floodplain Management Overlay District
- (3) SM, Shoreland Management Overlay District
- (4) TM, Telecommunications Management Overlay District

(C) Special district. The City has also established the following special zoning districts:

- (1) PUD, Planned Unit Development District
- (2) UND, Urban Underdeveloped District
- (3) OS, Open Space District

205.012 Zoning Map Established

- (A) The City of Shoreview is hereby divided into the Zoning Districts shown on the map entitled “Zoning Map, City of Shoreview, Minnesota” and adopted on XXXX, XX, 2021. The map shall be maintained by the City Manager and shall be made available as requested for inspection and/or reproduction.
- (B) The Zoning Maps and all the notations, references and other information shown thereon are a part of this Development Regulations Chapter and shall have the same force and effect as if the matters and information set forth by said maps were fully described herein.
- (C) The district boundaries shall be determined by measurement from and as shown on the Zoning Maps, and in case of any questions as to the interpretation of such boundary lines, the City Council shall interpret the maps according to the reasonable intent of this Chapter.
- (D) Where uncertainty exists as to the boundaries of districts as shown on the Zoning Maps, the following rules shall apply:
- (1) Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - (2) Boundaries indicated, as approximately following platted lot lines shall be construed to following such lot lines.
 - (3) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - (4) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
 - (5) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed.

205.013 Zoning Map Amendments

Future amendments to the Zoning Map may only be accomplished in accordance with Section 203.053.

205.020 Nonconformities

- (A) Purpose. The purposes for the City's Nonconforming Use Regulations are:

- (1) To recognize the existence of uses, structures and lots which were lawfully established but which do not currently comply with the City's Development Regulations.
- (2) To prohibit the enlargement, expansion or extension of nonconforming principal uses and structures.
- (3) To regulate nonconforming uses and structures that are located in flood hazard areas in a manner consistent with State and Federal regulations in order to preserve the public health, safety and welfare.

(B) Nonconforming Use Restrictions.

- (1) A nonconforming use shall not be enlarged or extended to occupy a greater area of land or a larger portion of a structure, but may continue at the size, intensity and in the manner of operation existing upon the date on which the use became nonconforming.
- (2) A nonconforming use may be changed to lessen the nonconformity of the use.
- (3) When a nonconforming use has been changed to a conforming use, it shall thereafter comply with the City's Development Ordinance.
- (4) A nonconforming use shall not be re-established if discontinued for a continuous twelve-month period.
- (5) Any nonconforming use located in a flood hazard zone is also subject to the regulations of [Section 205.052](#).

(C) Nonconforming Lot Restrictions. The following requirements shall apply to all substandard non-riparian lots that do not satisfy the minimum dimension standards set forth in Development Ordinance. Substandard riparian lots shall comply with the requirements set forth in [Section 205.053](#).

(1) Lot Standards:

- (a) Residential design review approval, in accordance with [Section 203.044](#), must be obtained prior to improvement of any nonconforming lot of record for use as a separate home site if the lot was not in separate ownership on August 1, 1983, or any time thereafter.
- (b) No structures shall be expanded or constructed on a substandard lot of record unless Residential design review approval is first obtained from the City in accordance with [Section 203.044](#), unless otherwise in conformance with [Item F](#) below.
- (c) Reconstruction of a structure is defined to mean replacement of three or more of the structure's six structural components (roof,

- floor, and four walls). Determination as to the extent of structural component replacement shall be made by the Building Official.
- (d) A dwelling shall not be constructed on a nonconforming lot of record unless the lot meets or exceeds 80% of the minimum required lot width, area and depth standards.
- (e) No lot of record shall be used or reused as a separate home site unless it abuts an improved public right-of-way or, if the lot was legally accessed via a private way prior to December 10, 1992, said access may continue to be utilized provided:
- (i) There is no practical way to extend a public street to the property;
 - (ii) The private access is protected by a permanent easement recorded to run with the title of the property; and
 - (iii) The private way complies with the fire apparatus requirements set forth in the Uniform Fire Code.
- (D) Design Standards. Any structures constructed, reconstructed or expanded on a nonconforming lot shall comply with the following site and building design requirements:
- (1) Impervious Surface Coverage. Lot coverage shall not exceed 30%.
 - (2) Building Height. The height of the proposed dwelling shall not exceed 28 feet from roof peak to grade (as defined by the Uniform Building Code) on the street side of the dwelling, and the dwelling shall not exceed two stories as viewed from the street.
 - (3) Foundation Area. The foundation area of all structures, including dwellings and attached accessory structures, cantilevered areas, detached accessory structures greater than 150 square feet, and covered porches, covered decks, and covered patios shall be limited to 18 percent of the lot area or 1,600 square feet, whichever is greater. If the existing foundation area exceeds the allowed foundation area, the foundation area percentage may be maintained but not increased. Existing foundation area is the foundation area legally present on the property on or before April 17, 2006 or approved thereafter by the City.
 - (4) Minimum Setback from the Property Front Line: Twenty-five (25) feet. However, in those cases where the existing setbacks for the two adjacent dwellings exceed this requirement, the setback of the new dwelling or any new addition shall be equal to the average setback of the two adjacent dwellings, plus or minus 10 feet. If one of the immediately adjacent dwellings is located on a lakeshore lot, the front yard setback of such dwelling shall not be utilized. In those cases where

there is only one existing adjacent structure which has a setback greater than twenty-five (25) feet, then the setback for the new dwelling or addition shall be equal to the average of twenty-five (25) feet and the setback of the existing adjacent structure, plus or minus 10 feet.

- (5) Architectural Mass. The architectural design and mass of the structure is determined by the City to be compatible with the existing neighborhood character.
 - (a) When determining compliance with the existing character of a neighborhood, the City Council may require revisions that include, but shall not be limited to the alteration of: dwelling style (2-story walkout, rambler, etc.); roof design; garage width, height, and depth; garage style (attached versus detached); location and amount of driveway/parking/ sidewalk area; and/or the location and design of doors, windows, decks and porches. The City may also restrict deck enclosures; prohibit accessory structures except for a garage; and require greater than standard setbacks.
 - (b) Legally established nonconforming structures may continue but shall not be expanded or moved to a different location on a parcel, except as provided for in [Division 205.020](#).
- (E) Residential Design Review Conditions. The City may impose any or all of the following requirements as a condition of approval in order to construct or reconstruct a single family dwelling on a nonconforming lot of record:
 - (1) If the nonconforming lot adjoins a lot in the same ownership that exceeds minimum dimension standards, the adjoining lot may be required to be subdivided, to the extent practical, to increase the size of the nonconforming lot in order to reduce the amount of the non-conformity.
 - (2) Any other conditions that the City deems necessary in order to satisfy the intent of the Development Ordinance.
- (F) Nonconforming Structure Restrictions.
 - (1) A structure which is nonconforming due to dimensions or setbacks from property lines may remain at its current size and location and/or may be structurally altered, including an area expansion, provided that the alteration complies with the City's current development regulations and procedures.
 - (2) A structure which is nonconforming due to setbacks from property lines, where such nonconformity is the result of a government taking

for the construction or improvement of streets, drainage areas, storm water ponding areas, public recreational areas, or public utilities, may be structurally altered so long as the alteration is in compliance with the setback standards.

- (3) A nonconforming structure which is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value as indicated in the records of the county assessor at the time of damage, may be continued through repair, replacement, restoration, maintenance or improvement provided a building permit has been applied for within 180 days of the date of damage. In this case, the City may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a non-conforming structure in the Shoreland District with less than 50% of the required setback from the ordinary high water is destroyed by fire or other peril to greater than 50% of its estimated market value as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
 - (4) Normal repairs and maintenance necessary to keep a nonconforming structure in sound condition shall be permitted.
 - (5) If a nonconforming accessory use terminates, the nonconforming accessory structure which it utilizes shall be removed unless such structure can be adapted to conform with the use regulations of its particular zone.
 - (6) Any nonconforming structure located in a flood hazard district is also subject to [Section 205.052](#).
- (G) Illegal Uses. Owners of illegal uses or structures shall terminate such use and/or remove such structure or otherwise adapt such structure to a permissible use.

205.030 Uses

205.031 General Provisions

- (A) Uses which, because of the nature of their operation, are accompanied by an excess of noise, vibration, dust, dirt, smoke, odors, noxious gases, glare or wastes shall not be permitted. These residual features shall be

considered as "excessive" when they either exceed or deviate from the limitations set forth in these adopted regulations or those of the Minnesota Pollution Control Agency (MPCA).

- (B) In no case is the maximum height of buildings to exceed the firefighting capabilities of the City.
- (C) Unlisted Uses. For those uses not specifically noted, the City Manager shall make a determination as to whether the proposed use is permitted. Where a question arises, the Planning Commission shall make a recommendation to the City Council, which shall make the final determination. Compatibility with the purpose space and permitted uses for the district and with the adjoining planned uses shall be considered when making this decision.
- (D) Pursuant to authority granted by [Minnesota Statutes, Section 462.3593, Subdivision 9](#), the City of Shoreview opts-out of the requirements of [Minn. Stat. §462.3593](#), which defines and regulates Temporary Family Health Care Dwellings.

205.032 Principal Uses

- (A) Tables 205.1A and B Principal Uses Table list land uses and indicates whether they are permitted, permitted with standards, conditional, or prohibited. The following definitions shall be referenced when using Tables 205.1A and B:
- (1) Permitted Uses – a “P” in a cell of the use table indicates that the land use is allowed by right in that base zoning district.
 - (2) Permitted with Standards Uses – a “PS” in a cell of the use table indicates that the land use is allowed when standards identified in Part 206 (Use Specific Standards) are met. Uses permitted with standards are also subject to all other applicable requirements of the Development Regulations.
 - (3) Conditional Uses – a “C” in a cell of the use table indicates that the land use is allowed in the base zoning district only upon approval of a conditional use permit as described in Section 203.043 and in compliance with any use specific standards identified in the Use Specific Standards (Part 206). Uses subject to a conditional use permit are also subject to all other applicable requirements in the UDC.
 - (4) Prohibited Uses – a blank cell in the use table indicates that the land use is prohibited in that base zoning district.
- (B) Table 205.1A. Residential and Mixed Use Principal Uses Table

Principal Uses	Residential						Mixed Use		
	RE	R1	RIA	R2	R3	R4	MU-N	MU-C	MU-TC
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>									
Residential									
Household Living									
Dwelling, single-family detached	P	P	P				P		
Dwelling, manufactured home	P	P	P			P	P		
Dwelling, twinhome			P	P			P	P	
Dwelling, two- to four-family			PS	P			P	P	
Dwelling, attached townhouse or rowhouse				PS	P		PS	PS	PS
Dwelling, apartment (5 or more units)				C	P		P	P	P
Dwelling, apartment mixed use							P	P	P
Dwelling, senior independent living				PS	P		P	P	P
Manufactured home park			C	C	C	P			
Group Living									
Assisted living facility	C	C	C	C	C				
Continuing care facility	C	C	C	C	C				
Long-term or transitional care facility	C	C	C	C	C				
Residential care, licensed in-home (6 or fewer)	P	P	P	P			P	P	P
Residential care, licensed in-home (7 or more)				P	P		P	P	P
Lodging									
Hotel								P	P
Public, Social, or Health Care									
Club, lodge, or meeting place of a non-commercial nature (see public assembly use standards in Section 206.022)							P	P	P
Daycare center							PS	PS	PS
Financial institution							P	P	P

Principal Uses	Residential						Mixed Use		
	RE	R1	RIA	R2	R3	R4	MU-N	MU-C	MU-TC
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>									
Health services, including medical and dental							P	P	P
Municipal, county, state, or federal administrative or services building (see public assembly use standards in Section 206.022)							P	P	P
Municipal, social, cultural, or recreational facility (see public assembly use standards in Section 206.022)							P	P	P
Place of worship (see public assembly use standards in Section 206.022)							P	P	P
School, public or private (see public assembly use standards in Section 206.022)							P	P	P
Social assistance, welfare, or charitable services							P	P	P
Commercial									
Food or Beverage Services									
Bar or drinking place							P	P	P
Brewpub							P	P	P
Restaurant							PS	PS	PS
Retail Sales or Services									
Animal/veterinary clinic or hospital							P	P	P
Community commercial center							P	P	P
Large standalone store, retail or service								P	P
Regional commercial center								P	P
Retail with office above street level							P	P	P

Principal Uses	Residential						Mixed Use		
	RE	R1	RIA	R2	R3	R4	MU-N	MU-C	MU-TC
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>									
Retail with residential above street level							P	P	P
Small standalone store, retail or service							P	P	P
Business or Technical Services									
Office uses							P	P	P
Studio or gallery							P	P	P
Industrial									
Brewery, winery, or distillery								P	P
Arts, Entertainment, or Recreation									
Commercial recreation, indoor							P	P	P
Public park or recreation facility (see public assembly use standards in Section 206.022)							P	P	P
Natural Resources or Agriculture									
Controlled access/beach lot	C	C	C	C	C	C	C	C	C
Transportation									
Parking structure							P	P	P
Utilities									
Commercial antenna	PS	PS	PS	PS	PS	PS	PS	PS	PS
Commercial telecommunications facilities and towers up to 60 ft. in height							PS	PS	PS
Essential services	P	P	P	P	P	P	P	P	P
Mobile wireless telecommunications facilities for temporary use or testing	P	P	P	P	P	P	P	P	P

(C) Table 205.1B. Commercial, Industrial, and Institutional Principal Uses Table

Principal Uses	Zoning District							
	C-1	C-2	OFC	BPK	I	INST	T	OS
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>								

Principal Uses	Zoning District							
	C-1	C-2	OFC	BPK	I	INST	T	OS
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>								
Residential								
Lodging								
Hotel		P	P	P				
Public, Social, or Health Care								
Club, lodge, or meeting place of a non-commercial nature (see public assembly use standards in Section 206.022)	PS	PS				PS		
Daycare center	PS	PS	PS	PS				
Financial institution	P	P	P	P				
Funeral home or mortuary	P	P						
Health services, including medical and dental	P	P	P	P				
Municipal, county, state, or federal administrative or services building (see public assembly use standards in Section 206.022)	P	P	P	PS	P	P		
Municipal, social, cultural, or recreational facility (see public assembly use standards in Section 206.022)	P	P	P	PS	P	P		
Place of worship (see public assembly use standards in Section 206.022)	P	P	P	PS	P	P		
School, public or private (see public assembly use standards in Section 206.022)	P	P	P	PS	P	P		
Social assistance, welfare, or charitable services	P	P	P	P	P	P		
Commercial								
Food or Beverage Services								

Principal Uses	Zoning District							
	C-1	C-2	OFC	BPK	I	INST	T	OS
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>								
Bar or drinking place	P	P						
Brewpub	PS	PS			PS			
Restaurant	PS	PS	PS	PS	PS			
Retail Sales or Services								
Animal boarding, shelter, or daycare center					C			
Animal/veterinary clinic or hospital	PS		P	PS	PS			
Automobile body shop					C			
Automobile fueling station (capacity up to 12)	C	P						
Automobile fueling station with repair		C			C			
Automobile repair		C			C			
Automobile sales, leasing, rental, and service		PS						
Car wash		P						
Community commercial center	P							
Large standalone store, retail or service	P	P						
Regional commercial center		P						
Retail with office above street level	P	P	PS					
Small standalone store, retail or service	P	P						
Business or Technical Services								
Laboratory, research/development/testing				P	P			
Office uses	P	P	P	P	P			
Studio or gallery	P	P						
Industrial								
Brewery, winery, or distillery		PS		PS	PS			
Construction contractor yard					C			

Principal Uses	Zoning District							
	C-1	C-2	OFC	BPK	I	INST	T	OS
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>								
Makerspace				C	PS			
Manufacturing, light				PS	P			
Municipal, county, state, or federal public works facility						P		
Self-service storage facility					PS			
Storage and sale of machinery and equipment					PS			
Warehousing					P			
Wholesale					P			
Arts, Entertainment, or Recreation								
Adult establishment		C						
Commercial recreation, indoor	P	P	P	P	PS			
Commercial recreation, outdoor	C	C	C	C	C			
Public park or recreation facility (see public assembly use standards in Section 206.022)						P		P
Theater, dance, or music performance facility (see public assembly use standards in Section 206.022)	P	P				P		
Natural Resources or Agriculture								
Nature preservation/conservation area								P
Transportation								
Ambulance or medical carrier service		PS		PS	P	PS		
Parking structure	PS	PS	PS	PS		P		
Utilities								
Commercial antenna	P	P	P	PS	P			
Commercial telecommunications	PS	PS	PS	PS			P	

Principal Uses	Zoning District							
	C-1	C-2	OFC	BPK	I	INST	T	OS
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>								
facilities and towers up to 60 ft. in height								
Commercial telecommunications facilities and towers up to 75 ft. in height			PS	PS			P	
Essential services	P	P	P	P	P	P		P
Installation, operation, and maintenance of wireless telecommunications facilities	C	C					PS	
Mobile wireless telecommunications facilities for temporary use or testing	P	P	P	P	P	P	P	P
Satellite earth station					P		P	

205.033 Accessory Uses

(A) Uses Table

(1) Tables 205.2A and B Accessory Uses Table list accessory uses and indicates whether they are permitted or permitted with standards, conditional, or prohibited. The following definitions shall be referenced when using Tables 205.2A and B:

- (a) Permitted Uses – a “P” in a cell of the use table indicates that the accessory land use is allowed by right in that base zoning district.
- (b) Permitted with Standards Uses – a “PS” in a cell of the use table indicates that the accessory land use is allowed when standards identified in the Use Specific Standards (Part 206) are met. Uses permitted with standards are also subject to all other applicable requirements of the UDC.
- (c) Conditional Uses – a “C” in a cell of the use table indicates that the accessory land use is allowed in the base zoning district only upon approval of a conditional use permit as described in Section 203.043 and in compliance with any use specific standards identified in the Use Specific Standards (Part 206). Uses subject to a conditional use

permit are also subject to all other applicable requirements in the UDC.

- (d) Prohibited Uses – a blank cell in the use table indicates that the accessory land use is prohibited in that base zoning district.

(B) Table 205.2A. Residential and Mixed-Use Accessory Uses Table

Principal Uses	Residential						Mixed-Use		
	RE	R1	R1A	R2	R3	R4	MU-N	MU-C	MU-TC
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>									
Accessory Uses – Residential									
Accessory apartments	PS/ C	PS/ C	PS/ C				PS		
Boarder or roomer	PS	PS	PS	PS	PS	PS	PS	PS	PS
Day care, family	PS	PS	PS	PS		PS	PS	PS	
Day care, group family				PS	PS		PS	PS	PS
Detached accessory structure on a riparian lot	PS	PS	PS	PS	PS	PS	PS	PS	PS
Home occupation	PS	PS	PS	PS	PS	PS	PS	PS	PS
Keeping of non-domestic animals	PS/ C	PS/ C							
Portable storage unit	PS	PS	PS	PS	PS		PS	PS	PS
Sale of produce with consent of owner	P	P	P	P	P	P			
Swimming pools	PS	PS	PS	PS	PS	PS	PS	PS	PS
Temporary sales office	P	P	P						
Uses incidental to a manufactured home park						PS			
Accessory Uses - Other									
Accessory buildings	PS	PS	PS	PS	PS		PS	PS	PS
Drive-thru							PS/C	PS/C	PS/C
Freestanding solar panel arrays	PS	PS	PS	PS	PS	PS	PS	PS	PS
Off-street parking and loading facilities	P	P	P	P	P	P	P	P	P
Private antennas	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/C	PS/C	PS/C
Solar energy system	PS	PS	PS	PS	PS	PS	PS	PS	PS
Temporary sales or events	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wind Energy Conversion System (WECS)	PS	PS	PS	PS	PS	PS	PS	PS	PS

(C) Table 205.2B. Commercial, Industrial, and Institutional Accessory Uses

Table

Accessory Uses	Zoning District							
	C1	C2	OFC	BPK	I	INST	T	OS
<i>P = Permitted use; PS = Permitted with Standards use; C = Conditional use; Blank cell = Prohibited use</i>								
Accessory Uses – Commercial/Industrial								
Accessory telecommunication equipment and structures							P	
Cemetery	C	C	C	C	C	C		
Off-street parking and loading facilities	P	P	P	P	P	P		P
Outdoor display area	PS	PS						
Outdoor storage					C			
Supporting commercial uses			PS	PS	PS			
Urban container farming					C			
Accessory Uses - Other								
Accessory buildings	PS	PS			P	PS		
Drive-thru	PS/C	PS/C						
Freestanding solar panel arrays	PS	PS	PS	PS	PS	PS	PS	PS
Private antennas	PS/C	PS/C	PS/C	PS/C	PS/C		PS/C	
Solar energy system	PS	PS	PS	PS	PS	PS	PS	PS
Temporary sales or events	PS	PS	PS	PS	PS	PS		
Wind Energy Conversion System (WECS)	PS	PS	PS	PS	PS	PS	PS	PS

205.040 Base Districts

205.041 General Provisions

(A) All properties within a shoreland overlay district shall be regulated by the Shoreland Management Overlay District requirements in [Section 205.053](#).

(B) Lot Width

All corner lots shall have an extra 15 feet of width.

(C) Principal Structures

- (1) Only one (1) principal structure shall be located, erected, or moved onto a residential lot in a RE, R1, or R1A District.
- (2) More than one (1) principal structure shall be allowed in the R2, R3, R4, mixed use, commercial, industrial, institutional, and planned use development districts subject to the following:

- (a) The standards of the applicable zoning district shall be met.
 - (b) A minimum separation of twenty (20) feet per building is maintained.
 - (c) Individual buildings are not sold independently.
 - (d) Parking and access is evaluated and maintained on a shared basis between buildings.
 - (e) Any future subdivision must meet setbacks and the establishment of an easement for access and parking as needed.
- (D) Unless otherwise specified, when more than one setback applies to a yard, the most restrictive setback shall apply.
- (E) Required setbacks apply to principal structures, access drives, and parking. Required setbacks shall not apply to landscaping, stormwater facilities, or required fencing or buffering.
- (F) Encroachments. The following shall be considered as permitted encroachments to setback requirements:
- (1) For all properties
 - (a) In any yard: eaves, gutters, awnings, chimneys, landings, sidewalks, fences and the smallest sized egress window well needed to provide access.
 - (b) In interior side and rear yards: decks, open terraces, balconies and unenclosed porches provided they are no closer than five feet to any property line.
 - (2) In residential districts
 - (a) In front yards and in side yards adjoining a right-of-way property zoned for residential use, bay windows and cantilevered habitable area may encroach up to two feet into the required dwelling setback.
 - (b) In side yards of corner lots zoned R1, R1A, and R2 adjoining a public right-of-way, at-grade patios may encroach up to five feet into the required dwelling setback provided that the side yard does not abut a front yard on an adjacent property.
- (G) Setback Exceptions for Residential Districts
- (1) Front yard setbacks shall not be reduced unless a variance is approved or the lot meets one of the following exceptions.
 - (a) New Construction
 - (i) Where existing dwellings are located on lots which are immediately adjacent to a vacant lot and have established front yard setbacks that exceed the minimum front yard setback

allowed in the zoning district by more than fifteen feet, the front yard setback for a dwelling to be constructed on the vacant lot shall be equal to the average of the front yard setbacks for such immediately adjacent dwelling plus or minus 10 feet.

- (ii) If one of the immediately adjacent dwellings is located on a corner lot or on a lakeshore lot the setback of such dwelling shall not be utilized when computing the permissible front yard setback for the newly constructed dwelling, and, in such case, the front yard setback for the newly constructed dwelling shall be equal to the front yard setback for the remaining adjacent dwelling plus or minus 10 feet.
 - (iii) If one of the immediately adjacent lots is vacant, the front yard setback for the newly constructed dwelling shall be equal to the average of the minimum required front yard setback for the vacant lot and front yard setback for the remaining adjacent dwelling plus or minus 10 feet.
- (b) Additions to Existing Structures.
- (i) On lots where two or more existing adjacent dwellings have front yard setbacks which exceed the minimum front yard setback allowed in the zoning district by fifteen (15) or more feet, the front yard setback for an addition to any of the average of the front yard setbacks for such existing adjacent dwellings.
 - (ii) On non-riparian lots, if one of the immediately adjacent dwellings is located on a corner lot or a lakeshore lot, the front yard setback of such dwelling shall not be utilized when computing the permissible front yard setback for the addition to an existing dwelling, and, in such case, the front yard setback for the addition to an existing dwelling shall not be less than the front yard setback for the remaining adjacent dwelling, minus ten (10) feet. In no case shall the front yard setback be less than 25 feet.
- (c) Butt lots created after the effective date of this ordinance, principal and accessory structures shall have a minimum setback of 20 feet from a side lot line when that side lot line abuts the rear lot line of an existing parcel.
- (d) Key lots created after the effective date of this ordinance, principal and accessory structures shall have a minimum setback of 20 feet from a side lot line when that side lot line abuts the rear lot line of an

existing parcel, or a minimum 40 feet from a rear lot line when that rear lot line abuts the side lot line of an existing parcel.

(H) Lot Coverage

Where specified in a zoning district, maximum lot coverage may be increased if best management practices are taken to minimize negative effects on the environment. These best management practices shall be those documented in the current editions of the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (MBWSR) and Protecting Water Quality in Urban Areas (MPCA).

(I) Outdoor Storage

- (1) Residential Districts. Exterior storage of materials and equipment shall be as is regulated in **Part 210** Property Maintenance Standards.
- (2) Commercial Districts. All materials, supplies, finished or semi-finished products and equipment, except for trucks necessary to the operation of the principal use, shall be stored within a completely enclosed building. Long term outdoor parking or storage of commercial tractors and trailers is prohibited.

205.042 RE Residential Estate District

(A) Table 205.3. RE District Lot and Site Dimension Table

PURPOSE		
The Residential Estate District is established to protect and enhance the character of low-density, single-family detached dwelling neighborhoods where lots are large, wooded with mature trees and other natural features that may be impacted if more intensive subdivision were to occur.		
LOT STANDARDS		
Minimum Lot Area		
Dwelling, Single-Family Detached		RE (40) - 40,000 SF RE (20) - 20,000 SF
Other permitted uses		Not applicable
Minimum Lot Width		
Dwelling, Single-Family Detached		RE (40) - 100 ft. RE (20) - 80 ft.
Other permitted uses		Not applicable
PRINCIPAL BUILDING SETBACKS		
Minimum street setback	Minor Arterial	40 ft.
	Collector	25 ft.
Front yard setback	Minimum	25 ft.
	Maximum	40 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		RE (40) = 10 ft. RE (20) = 10 ft.
Minimum Corner Lot		Same as front yard setback on both streets
PRINCIPAL BUILDING STANDARDS		
Principal Structure Size		20 ft. by 30 ft. (600 sq. ft.)
Maximum Building Height		35 ft.
Maximum Lot Coverage		RE (40) = 20% RE (20) = 30%
ACCESSORY BUILDING STANDARDS		
Standards for attached and detached accessory buildings can be found in Section 206.063.		

(B) Lots of Record. Legal lots of record that existed prior to a rezoning to a Residential Estate District shall continue to be classified as buildable lots, provided any new construction complies with the RE District standards to extent practical, as determined by the Director of Community Development.

205.043 R1 Detached Residential District

(A) Table 205.4. R1 District Lot and Site Dimension Table

PURPOSE		
The Detached Residential District is established to reserve appropriately located areas for single-family living at population densities consistent with the Land Use Plan Chapter of the Comprehensive Plan.		
LOT STANDARDS		
Minimum Lot Area		
Dwelling, Single-Family Detached		10,000 sq. ft.
Other permitted uses		Not applicable
Minimum Lot Width		
Dwelling, Single-Family Detached		75 ft.
Other permitted uses		Not applicable
PRINCIPAL BUILDING SETBACKS		
Minimum street setback	Minor Arterial	40 ft.
	Collector	25 ft.
Front yard setback	Minimum	25 ft.
	Maximum	40 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		10 ft.
Minimum Corner Lot		Same as front yard setback on both streets
PRINCIPAL BUILDING STANDARDS		
Principal Structure Size		600 sq. ft.
Maximum Building Height		35 ft.
Maximum Lot Coverage		40%
ACCESSORY BUILDING STANDARDS		
Standards for attached and detached accessory buildings can be found in Section 206.063.		

205.044 R1A Mixed Detached and Attached Residential District

(A) Table 205.5. R1A District Lot and Site Dimension Table

PURPOSE		
The Mixed Detached and Attached Residential District is established to accommodate a mixture of single-family and two- to three- family dwellings at population densities consistent with the Land Use Chapter of the Comprehensive Plan. It is intended to accommodate a variety of housing types on lots smaller than those in the RE and R1 Districts. This district is intended to be applied to properties which are adjacent to arterial or collector roads, those located on the perimeter of a residential neighborhood, and/or those which provide the opportunity to infill on a unique site. This district is not intended to be applied to allow for the conversion of a few, average size single-family R1 lots.		
LOT STANDARDS		
Minimum Development Area	Properties must have a minimum zoned area of 1.5 acres	
Minimum Lot Area		
Dwelling, Single-Family Detached	6,000 sq. ft.	
Dwelling, Two- or Three- Family	3,000 sq. ft. per unit	
Other permitted uses	Not applicable	
Minimum Lot Width		
Dwelling, Single-Family Detached	45 ft.	
Dwelling, Two- of Three- Family	50 ft. for a single lot or 25 ft. per unit for individual lots	
Other permitted uses	Not applicable	
PRINCIPAL BUILDING SETBACKS		
Minimum street setback	Minor Arterial	40 ft.
	Collector	25 ft.
Front yard setback	Minimum	25 ft.
	Maximum	40 ft.
Minimum Rear Yard Setback	30 ft. principal structure	
Minimum Side Yard Setback	10 ft. from living area; 5 ft. from garage	
Minimum Side Setback if Adjacent to R-1 Dwelling	10 ft.	
Minimum Corner Lot	Same as front yard setback on both streets	
PRINCIPAL BUILDING STANDARDS		
Principal Structure Size	600 sq. ft.	
Maximum Building Height	35 ft.	

Maximum Lot Coverage	55%. May be increased to 60% with BMPs as described in the Surface Water Management Plan, Appendix C.
ACCESSORY BUILDING STANDARDS	
Standards for attached and detached accessory buildings can be found in Section 206.063.	

205.045 R2 Attached Residential District

(A) Table 205.6. R2 District Lot and Site Dimension Table

PURPOSE		
The Attached Residential District is established to provide appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with the Land Use Chapter of the Comprehensive Plan.		
LOT STANDARDS		
Minimum Development Area	Project must have a minimum zoned area of one and one-half (1.5) acres.	
Minimum Lot Area		
Dwelling, Twinhome	5,000 sq. ft. per unit	
Dwelling, Two- to Four-Family	10,000 sq. ft. plus 1,000 sq. ft. per unit	
Dwelling, Attached Townhouses or Rowhouses	10,000 sq. ft. plus 1,000 sq. ft. per unit	
Dwelling, Apartment	10,000 sq. ft. plus 1,000 sq. ft. per unit	
Dwelling, Senior Independent Living	10,000 sq. ft. plus 1,000 sq. ft. per unit	
Other permitted uses	Not applicable	
Minimum Lot Width		
Dwelling, Twinhome	40 ft.	
Dwelling, Two- to Four-Family	80 ft.	
Dwelling, Attached Townhouses or Rowhouses	80 ft. per building	
Dwelling, Apartment	80 ft. per building	
Dwelling, Senior Independent Living	80 ft. per building	
Other permitted uses	Not applicable	
PRINCIPAL BUILDING SETBACKS		
Minimum street setback	Minor Arterial	40 ft.
	Collector	25 ft.
Minimum Front Yard Setback		25 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		10 ft.; except zero lot line developments may be 0 ft. on shared wall
Minimum Corner Lot		Same as front yard setback on both streets
PRINCIPAL BUILDING STANDARDS		
Principal Structure Size		600 square feet per dwelling unit
Maximum Building Height		35 ft.
Maximum Lot Coverage		55%. May be increased to 60% with BMPs as identified in the Surface Water

	Management Plan, Appendix C.
ACCESSORY BUILDING STANDARDS	
Standards for attached and detached accessory buildings can be found in Section 206.063.	

205.046 R3 Multiple Dwelling Residential District

(A) Table 205.7. R3 District Lot and Site Dimension Table

PURPOSE		
The Multiple Dwelling Residential District is established to reserve appropriately located areas for higher density family living in a variety of types of dwellings at a reasonable range of population densities consistent with the Land Use Chapter of the Comprehensive Plan. These areas generally are located near arterial roadways, transit lines and recreational amenities.		
LOT STANDARDS		
Minimum Lot Area		
Dwelling, Attached Townhouses or Rowhouses	10,000 sq. ft. plus 1,000 sq. ft. per unit	
Dwelling, Apartment	25,000 sq. ft. per building	
Dwelling, Senior Independent Living	25,000 sq. ft. per building	
Other permitted uses	Not applicable	
Minimum Lot Width		
Dwelling, Attached Townhouses or Rowhouses	80 ft. per building	
Dwelling, Apartment	175 feet	
Dwelling, Senior Independent Living	175 feet	
Other permitted uses	Not applicable	
PRINCIPAL BUILDING SETBACKS		
Minimum street setback	Minor Arterial	40 ft.
	Collector	30 ft.
Minimum Front Yard Setback		30 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		10 ft.; except zero lot line developments may be 0 ft. on shared wall
Minimum Corner Lot		Same as front yard setback on both streets
PRINCIPAL BUILDING STANDARDS		
Minimum Unit Size		600 square feet for attached townhomes and rowhouses
Maximum Building Height		35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.
Maximum Lot Coverage		65%. May be increased to 75% with BMPs as identified in the Surface Water Management Plan, Appendix C.
ACCESSORY BUILDING STANDARDS		
Standards for attached and detached accessory buildings can be found in Section 206.063.		

205.047 R4 Mobile Home Residential District

(A) Table 205.8. R4 District Lot and Site Dimension Table

PURPOSE		
The Mobile Home Residential District is established to provide for the special characteristics of mobile homes constructed prior to June 15, 1976, which do not have HUD certification, considering their locational needs, site layout and design, the demand upon community services and their relationship to, and effect upon, surrounding uses of land.		
DEVELOPMENT STANDARD		
Minimum Development Area	Project must have a minimum zoned area of 40 acres.	
LOT STANDARDS		
Minimum Lot Area		
Dwelling, Manufactured Home	4,350 sq. ft.	
Other permitted uses	Not applicable	
PRINCIPAL BUILDING SETBACKS		
Minimum street setback	Minor Arterial	40 ft.
	Collector	25 ft.
Minimum Front Yard Setback	15 ft. from internal street	
Minimum Rear Yard Setback	15 ft.	
Minimum Side Yard Setback	15 ft. setback on main entry side of mobile home 5 ft. setback on side opposite main entry side 15 ft. separation between mobile homes	
Minimum Corner Lot	15 ft.	
PRINCIPAL BUILDING STANDARDS		
Principal Structure Size	600 square feet	
Maximum Building Height	20 ft.	
Maximum Lot Coverage	60% of individual lots	

205.048 C1 Retail Service District

(A) Table 205.9. C1 District Lot and Site Dimension Table

PURPOSE		
The Retail Service District is intended to have direct access to an arterial or collector roadways and provide a variety of low to medium intensity commercial uses such as food establishments, retail and personal service uses that serve the neighborhood, community and adjoining communities.		
LOT STANDARDS		
Minimum Lot Area		Not applicable
Minimum Lot Width		Not applicable
PRINCIPAL BUILDING SETBACK		
Minimum street setback	Minor Arterial	50 ft.
	Collector	30 ft.
Minimum Front Yard Setback		50 ft.
Minimum Rear Yard Setback		20 ft.
Minimum Side Yard Setback		10 ft.
Minimum Side Corner Setback		30 ft.
Minimum Setback from Residential District		50 ft. with screening in accordance with Section 207.043.
PRINCIPAL BUILDING STANDARDS		
Maximum Building Height		35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.
Maximum Lot Coverage		70%. May be increased to 75% with BMPs as identified in the Surface Water Management Plan, Appendix C.

205.049 C2 General Commercial District

(A) Table 205.10. C2 District Lot and Site Dimension Table

PURPOSE		
The General Commercial District provides areas for medium and high intensity commercial, office and retail uses along arterial roadways.		
LOT STANDARDS		
Minimum Lot Area	Not applicable	
Minimum Lot Width	100 ft.	
PRINCIPAL BUILDING SETBACK		
Minimum Street Setback	Minor Arterial	50 ft.
	Collector	50 ft.
Minimum Front Yard Setback	50 ft.	
Minimum Rear Yard Setback	20 ft.	
Minimum Side Yard Setback	10 ft.	
Minimum Side Corner Setback	30 ft.	
Minimum Setback from Residential District	50 ft. with screening in accordance with Section 207.043.	
PRINCIPAL BUILDING STANDARDS		
Maximum Building Height	35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.	
Maximum Lot Coverage	70%. May be increased to 75% with BMPs as identified in the Surface Water Management Plan, Appendix C.	

205.0410 OFC Office District

(A) Table 205.11. FC District Lot and Site Dimension Table

PURPOSE		
The Office District is established to provide a suitable environment for workplaces and complementary uses to offer the opportunity for jobs closer to the home without introducing conflicts of land use. While primary uses include office, medical, research and development, this district accommodates the changing workplace environment by allowing up and coming employment hubs.		
LOT STANDARDS		
Minimum Lot Area	Not applicable	
Minimum Lot Width	100 ft.	
PRINCIPAL BUILDING SETBACKS		
Minimum Street Setback	Minor Arterial	50 ft.
	Collector	50 ft.
Minimum Front Yard Setback	50 ft.	
Minimum Rear Yard Setback	20 ft.	
Minimum Side Yard Setback	10 ft.	
Minimum Side Corner Setback	30 ft.	
Minimum Setback from Residential District	50 ft. with screening in accordance with Section 207.043.	
PRINCIPAL BUILDING STANDARDS		
Maximum Building Height	35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.	
Maximum Lot Coverage	70%. May be increased to 75% with BMPs as identified in the Surface Water Management Plan, Appendix C.	

205.0411 BPK Business Park District

(A) Table 205.12. BPK District Lot and Site Dimension Table

PURPOSE		
<p>The Business Park District is established to:</p> <ol style="list-style-type: none"> (1) Reserve appropriately located areas for low intensity office, light industrial and supporting commercial services. (2) Protect areas appropriate for low intensity office, light industrial and supporting commercial services from intrusion by inharmonious uses. (3) Provide opportunities for low intensity office, light industrial and supporting commercial services to congregate in a mutually benefiting relationship to each other. Provides areas that address the changing workplace such as flex-office, research and development, start-ups and business innovation. (4) Establish and maintain high standards of site planning, building architecture, and landscape design that will create an environment attractive to business park uses and be compatible with adjoining residential properties. 		
LOT STANDARDS		
Minimum Lot Area	1.5 acres	
Minimum Lot Width	Not applicable	
PRINCIPAL BUILDING SETBACK		
Minimum Street Setback	Minor Arterial	50 ft.
	Collector	50 ft.
Minimum Front Yard Setback	50 ft.	
Minimum Rear Yard Setback	30 ft.	
Minimum Side Yard Setback	30 ft.	
Minimum Side Corner Setback	30 ft.	
Minimum Setback from Residential District	50 ft. with screening in accordance with Section 207.043.	
PRINCIPAL BUILDING STANDARDS		
Maximum Building Height	35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.	
Maximum Lot Coverage	70%. May be increased to 75% with BMPs as identified in the Surface Water Management Plan, Appendix C.	

205.0412 I Light Industrial District

(A) Table 205.13. District Lot and Site Dimension Table

PURPOSE		
<p>The Light Industrial District is established to:</p> <ol style="list-style-type: none"> (1) Reserve appropriately located areas for industrial related activities. (2) Protect areas appropriate for industrial uses from intrusion by inharmonious uses. (3) Provide opportunities for certain types of industrial plants to concentrate in a mutually beneficial relationship to each other. (4) Provide adequate space to meet the needs of modern industrial development, including off-street parking, truck loading areas and landscaping. (5) Provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby uses. (6) Establish and maintain high standards of site planning, architecture, and landscape design that will create an environment attractive to industries and research and development establishments seeking sites in the metropolitan area. 		
LOT STANDARDS		
Minimum Lot Area	Not applicable	
Minimum Lot Width	100 ft.	
PRINCIPAL BUILDING SETBACKS		
Minimum Street Setback	Minor Arterial	50 ft.
	Collector	50 ft.
Minimum Front Yard Setback		50 ft.
Minimum Rear Yard Setback		20 ft.
Minimum Side Yard Setback		10 ft.
Minimum Side Corner Setback		30 ft.
Minimum Setback from Residential District for structures, truck & equipment parking and outdoor storage facilities		75 ft., with screening in accordance with Section 207.043.
BUILDING STANDARDS		
Maximum Building Height		35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.
Maximum Lot Coverage		75%. May be increased to 80% with BMPs as identified in the Surface Water Management Plan, Appendix C.

205.0413 MU-N Mixed Use Neighborhood District

(A) Table 205.14. MU-N District Lot and Site Dimension Table

PURPOSE		
The Neighborhood Mixed Use District is established to facilitate walkable mixed-use development in order to provide a variety of residential housing types and neighborhood-scale retail, offices, and services in areas of the community adjacent to established residential neighborhoods.		
LOT STANDARDS		
Minimum Lot Width		
Dwelling, Single-Family Detached	60 ft.	
Dwelling, Twinhome	40 ft.	
Dwelling, Attached Townhouses or Rowhouses	25 ft.	
Other permitted uses	Not applicable	
Minimum Lot Depth		
Dwelling, Single-Family Detached	100 ft.	
Dwelling, Twinhome	80 ft.	
Dwelling, Attached Townhouses or Rowhouses	60 ft.	
Other permitted uses	Not applicable	
PRINCIPAL BUILDING SETBACKS		
Minimum Street Setback	Minor Arterial	40 ft.
	Collector	30 ft.
Minimum Setback from RE, R1, R1A, and R2 Zoning Districts		
Residential structure with 8 or fewer units	30 ft.	
Other permitted uses	50 ft.	
Minimum Front Yard Setback		
Dwelling, Single-Family Detached	25 ft.	
Dwelling, Twinhome	20 ft.	
Dwelling, Attached Townhouses or Rowhouses	20 ft.	
Other permitted uses	25 ft.	
Minimum Rear Yard Setback		
Other Interior Yard Setback		
Dwelling, Twinhome	5 ft. (0 ft. for shared wall)	
Dwelling, Attached Townhouses or Rowhouses	5 ft. (0 ft. for shared wall)	
Other permitted uses	Not applicable	
Minimum distance between structures	15 ft.	

PRINCIPAL BUILDING STANDARDS	
Maximum Building Height	
Structures located within 75 ft. of RE, R1, R1A, and R2 Zoning Districts	35 ft.
Structures located more than 75 ft. of RE, R1, R1A, and R2 Zoning Districts	75 ft.
Minimum usable outdoor space for all residential structures with more than 8 units	15%

(B) Additional District Standards

Developments in the MU-N district shall meet the following district standards in addition to the design and performance standards identified in other parts of the code:

- (1) Uses in the MU-N district which are adjacent to existing residential lots shall be limited to single-family detached dwellings, twinhomes, two-to four-family dwellings, or attached townhouses or rowhouses.
- (2) Plan for extension of public street system to adjacent parcel(s)
If the subject site is adjacent to one or more parcels that are also zoned MU-N, then the subject site must show a public street network that can be connected to the adjacent site(s). A temporary turnaround shall be constructed to the adjacent site (s) as approved by the City Manager and signage must be provided that indicates the future extension.
- (3) Lakeshore
Development located along a public water must provide a publicly accessible trail along the shoreline and no buildings shall be placed between the trail and the shoreline. The trail shall be either dedicated to the City as right-of-way or in an easement.
- (4) Frontage and Entrances
Buildings shall orient to the internal public street or a linear open space corridor connected via sidewalks.
- (5) Sidewalks/Circulation
 - (a) All building entrances shall connect to the public sidewalk network.
 - (b) Site pathways shall be provided to connect common areas and outdoor parking areas to the public sidewalk network and to building entrances.
- (6) Townhome/Rowhouse Private Open Space

Each townhome or rowhouse unit must have a private useable outdoor space extending 60% of the width of the unit either in front of or at the rear of the unit. This private outdoor space shall extend at least 15 feet in depth from the structure.

(7) Accessory Structures

(a) Accessory structures shall be allowed for the following uses:

- (i) Detached single-family residential
- (ii) Apartment building community space, maintenance or storage structure
- (iii) Homeowners association clubhouse, maintenance or storage structure

(b) Accessory structures shall not be allowed in the front yard.

(c) The accessory structure shall be setback at least

- (i) 10 feet from the rear lot line
- (ii) 10 feet from an interior side lot line
- (iii) 15 feet from a street side lot line

205.0414 MU-C Mixed Use Community District

(A) Table 205.15. MU-C District Lot and Site Dimension Table

PURPOSE		
The Community Mixed Use District is established to facilitate quality mixed-use development in areas of the community served by arterial and collector roads. The district is characterized by design that is pedestrian-oriented within the development and sensitive transitions to adjacent residential neighborhoods.		
LOT STANDARDS		
Minimum Lot Width		
Dwelling, Twinhome		40 ft.
Dwelling, Attached Townhouses or Rowhouses		25 ft.
Other permitted uses		Not applicable
Minimum Lot Depth		
Dwelling, Twinhome		80 ft.
Dwelling, Attached Townhouses or Rowhouses		60 ft.
Other permitted uses		Not applicable
PRINCIPAL BUILDING SETBACKS		
Minimum Street Setback	Minor Arterial	40 ft.
	Collector	30 ft.
Portion of the site adjacent to RE, R1, R1A, and R2 Zoning Districts	Required vegetated buffer	30 feet
	Setback for any principal or accessory structure	75 feet
	Setback for any surface parking area	30 feet
Build-to zone from back of curb of any internal street		
Dwelling, Twinhome		20 ft. to 30 ft.
Dwelling, Attached Townhouses or Rowhouses		20 ft. to 30 ft.
Other permitted uses		10 ft. to 20 ft. for the first and second floors
Other Interior Yard Setback		
Dwelling, Twinhome		5 ft. (0 ft. for shared wall)
Dwelling, Attached Townhouses or Rowhouses		5 ft. (0 ft. for shared wall)
Other permitted uses		Not applicable

Minimum distance between structures	15 ft.
PRINCIPAL BUILDING STANDARDS	
Maximum Building Height	
Structures located within 120 ft. from RE, R1, R1A, and R2 Zoning Districts	35 ft.
Structures located more than 120 ft. from RE, R1, and R2 Zoning Districts	75 ft.
Minimum Ground Floor-to-Ceiling Height	12 feet
Minimum usable outdoor space for all residential structures with more than 8 units	15%

(B) Other Applicable Standards

Developments in the MU-C district shall meet the following district standards in addition to the design and performance standards identified in other parts of the code.

- (1) Plan for extension of public street system to adjacent parcel(s)
If the subject site is adjacent to one or more parcels that are also zoned MU-C, then the subject site must show a public street network that can be connected to the adjacent site(s). A temporary turnaround shall be constructed to the adjacent site (s) as approved by the City Manager and signage must be provided that indicates the future extension.
- (2) Frontage and Entrances
 - (a) Buildings shall orient to the internal public street or a linear open space corridor connected via sidewalks.
 - (b) Business uses shall front on an internal public street.
 - (c) For apartments, dwelling unit entrances may be internal to the building or have exterior entrances for ground floor units.
- (3) Sidewalks/Circulation
 - (a) Sidewalks shall be required on all street frontages.
 - (b) Sidewalks shall be provided to connect building entrances, parking areas, and common areas.
- (4) Townhome/Rowhouse Private Open Space
Each townhome or rowhouse unit must have a private usable outdoor space extending 60% of the width of the unit either in front of or at the

rear of the unit. This private outdoor space shall extend at least 15 feet in depth from the structure.

(5) Accessory Structures

(a) Accessory structures shall be allowed for the following uses

- (i) Detached single-family residential
- (ii) Apartment building community space
- (iii) Homeowners association clubhouse or maintenance building

(b) Accessory structures shall not be allowed in the front yard.

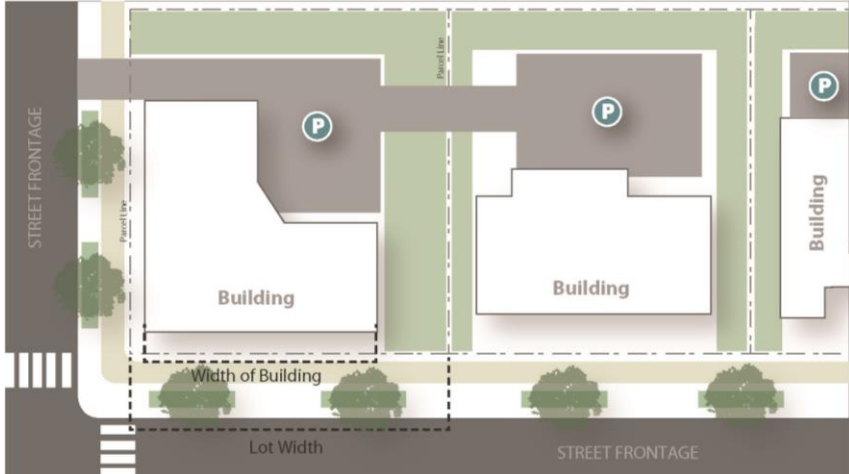
(c) The accessory structure shall be setback at least

- (i) 10 feet from the rear lot line
- (ii) 10 feet from an interior side lot line
- (iii) 15 feet from a street side lot line

205.0415 MU-TC Mixed Use Town Center District

(A) Table 205.16. MU-TC District Lot and Site Dimension Table

PURPOSE		
<p>The Town Center Mixed Use District is established to foster redevelopment of land uses based on the design principles of pedestrian-oriented mixed-use districts that integrate retail, services, entertainment, civic, institutional, residential and small parks/plazas. The district is characterized by multi-story buildings, higher development densities, buildings located close to streets and sidewalks, and site and building design that create a unique, vibrant town center.</p>		
LOT STANDARDS		
Minimum Lot Width		
Dwelling, Attached Townhouses or Rowhouses	25 ft.	
Other permitted uses	Not applicable	
Minimum Lot Depth		
Dwelling, Attached Townhouses or Rowhouses	60 ft.	
Other permitted uses	Not applicable	
PRINCIPAL BUILDING SETBACKS		
Minimum Street Setback	Minor Arterial	40 ft.
	Collector	30 ft.
Build-to zone from back of curb of any street		
Dwelling, Twinhome	20 ft. to 30 ft.	
Dwelling, Attached Townhouses or Rowhouses	20 ft. to 30 ft.	
Other permitted uses	10 ft. to 20 ft.	
Other Yard Setback		
Dwelling, Attached Townhouses or Rowhouses	5 ft. (0 ft. for shared wall)	
Other permitted uses	Not applicable	
PRINCIPAL BUILDING STANDARDS		
Maximum Building Height		
Dwelling, Attached	35 feet	

Townhouses or Rowhouses	
Other permitted structures	75 ft.
Minimum Street Frontage	Buildings occupy at least 60% of the street frontage in the build-to-zone 

(B) Other Applicable Standards

Developments in the MU-TC district shall meet the following district standards in addition to the design and performance standards identified in other parts of the code.

(1) Street Network

(a) The MU-TC is intended to have an interconnected street network that extends between from Lexington Avenue to Victoria Street to provide. For redevelopments of greater than 3 acres, platting of new streets may be required by the City Manager to establish the internal street network.

(b) Each block is encouraged to include an alley or private lane to efficiently accommodate vehicle parking access, service/loading areas, refuse pickup, and reduce the number of driveways/curb cuts.

(2) Off-Street Parking Location

(a) Parking areas are not permitted between the front of the building and the street.

(b) Each block is encouraged to include an alley or private lane to efficiently accommodate vehicle parking access, service/loading areas, refuse pickup, and reduce the number of driveways/curb cuts.

(3) Off-Street Loading Facilities

- (a) Loading docks shall be screened, both architecturally and with landscaping to minimize visibility from the street and neighboring buildings.
 - (b) Garage, loading and service entry areas must include either opaque or translucent garage door panels. Loading entries must be well lit at night and obscure views into loading areas under both daylight and night light conditions.
- (4) Central Areas or Features
Mixed use or residential developments 40,000 square feet in gross floor area or greater shall provide central area(s) or feature(s) such as a patio with seating, pedestrian plaza with benches, outdoor playground, water features, and/or other designated areas or focal points that enhance the district. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and the remainder of the site, and shall be maintained over the life of the building project. The size of the outdoor public space shall be 500 square feet per 10,000 square feet of total floor area of the building.
- (5) Lakeshore
Development located along a public water must provide a publicly accessible trail along the shoreline and no buildings shall be placed between the trail and the shoreline. The trail shall be dedicated to the City as right-of-way or in an easement.
- (6) Townhome/Rowhouse Private Open Space
Each townhome or rowhouse unit must have a private outdoor space extending 60% of the width of the unit either in front of or at the rear of the unit. This private outdoor space shall extend at least 15 feet in depth from the structure.
- (7) Frontage and Entrances
 - (a) Buildings shall orient to the internal public street or a linear open space corridor connected via sidewalks.
 - (b) The primary entrance of a structure with more than 8 units shall be on an internal public street.
- (8) Sidewalks/Circulation
Sidewalks or shared use trails shall be provided on both sides of streets. Where sufficient public right-of-way does not exist, an easement may be required within the property line adjacent to the right of way to provide for the sidewalk.

(9) Accessory Structures

No accessory structures are allowed in this district.

205.0416 INST Institutional District

(A) Table 205.17. INST District Lot and Site Dimension Table

PURPOSE		
The Institutional District is established to provide areas for a variety of public and institutional uses that offer important services needed by the community including governmental, educational, social service, cultural, religious, recreational, and open space.		
LOT STANDARDS		
Minimum Lot Area		None
Minimum Lot Width		None
PRINCIPAL BUILDING SETBACKS		
Minimum Street Setback	Minor Arterial	40 ft.
	Collector	30 ft.
Minimum Front Yard Setback		30 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		10 ft.
Minimum Side Corner Setback		30 ft.
Minimum Setback from Residential District		50 ft. with screening in accordance with Section 207.043.
PRINCIPAL BUILDING STANDARDS		
Maximum Building Height		35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.
Maximum Lot Coverage		70%. May be increased to 75% with BMPs as identified in the Surface Water Management Plan, Appendix C.

205.0417 T Tower District

(A) Table 205.18. T District Lot and Site Dimension Table

PURPOSE		
The Tower District is established to reserve appropriately located areas for, and to maintain high standards for construction, maintenance, and operation of private and commercial telecommunication facilities, such as towers, antennas, buildings, and accessory structures.		
LOT STANDARDS		
Minimum Lot Area	40 acres	
Minimum Lot Width	None	
BUILDING SETBACKS		
Minimum Property Line Setback	Guyed Broadcast Tower	As described by original Conditional Use Permit.
	Guy Wire Anchor	20 ft. for above ground portion. No minimum for the below ground portion.
	Broadcast Building	150 ft.
	Outdoor Material and Refuse Storage	200 ft.
	Accessory Equipment and Structures	150 ft.
	Self-Supporting Tower	Greater or 150 feet or the height above ground of the self-supporting tower, regardless of whether the self-supporting tower is within the category of a Broadcast Tower or within the category of Accessory Equipment and Structures.
BUILDING STANDARDS		
Maximum Building Height	Broadcast Tower	2,675 feet in height AMSL
	Broadcast Building	35 ft., accessory equipment and structures mounted on top of a Broadcast Building shall not be considered part of the Broadcast Building for purposes of determining its maximum height
Maximum Lot Coverage	50%	

(B) Additional Regulations

(1) Broadcast Tower Replacement

The replacement of a Broadcast Tower or a tower 1200 feet or less in height AMSL, as such towers are described in the original conditional use permit issued hereunder to the property owner, shall be allowed if appropriate building permits are approved and the property owner satisfies the provisions of this ordinance, [Section 203.035](#) (Tower/Antenna Permit) and the original conditional use permit relating to such towers was issued hereunder to the property owner.

(2) Outside Material Storage

Any materials, supplies or equipment, other than Accessory Equipment and Structures, stored outside shall be within approved outside storage areas that shall not exceed 1000 square feet in the aggregate. Outside storage areas shall be screened and/or fenced as approved by the City Manager to minimize the visual impact of the area and the surface shall be maintained in such a manner that dust and other wind generated materials are kept to a minimum.

(3) Permit Requirements

(a) If the proposed antenna/tower is to be used for wireless telecommunications, a wireless telecommunications facility permit must be obtained in accordance with [Section 203.035](#).

(b) A building permit is required for any installation, expansion, or modification of a wireless telecommunications facility and for any commercial tower. A building permit is required for commercial antennas other than wireless telecommunication antennas if required by the Building Code.

(4) Equipment Enclosures

Equipment enclosures accessory to a commercial antenna or WTF shall comply with the following standards:

(a) Equipment enclosures shall be of the smallest size necessary.

(b) In the TOD-1 and TOD-2:

(i) Equipment enclosures shall be located in underground vaults, integrated within existing nearby structures, or where existing trees, structures, and/or other site features screen them from view.

(ii) All equipment enclosures shall be screened from view by suitable vegetation, except where non-vegetative screening (e.g., a

decorative wall) better reflects and complements the character of the neighborhood.

(c) In the TOD-3, building mounted WTF equipment enclosures shall be integrated with the building architecture as specified in **Section 206.059**.

(5) Installation Requirements on City Water Towers

Installation of commercial antennas or WTFs on City water towers will be permitted when the City is fully satisfied that the following requirements are met:

- (a) The commercial antenna or WTF or maintenance thereof will not increase the risks of contamination to the City's water supply, or risk to the water tower facilities.
- (b) There is sufficient room on the structure and/or grounds to accommodate the proposed commercial antenna or WTF.
- (c) The presence of the commercial antenna or WTF will not increase the water tower maintenance or operational costs to the City.
- (d) The presence of the commercial antenna or WTF will not be harmful to the health of workers maintaining the water tower.
- (e) All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.

205.050 **Overlay Districts**

205.051 **AD Arterial Development Overlay District**

(A) Purpose

- (1) The Arterial Development Overlay District is established to regulate bulk requirements of structures within areas located adjacent to identified arterial roadways where taller buildings would be in character with the area if specific standards are met.

(B) Applicability

- (1) This district shall apply to all areas as indicated on the Zoning Map herein established.

(C) Permitted Uses

- (1) All uses as allowed within the underlying zoning districts.

(D) Required Conditions

- (1) The maximum height of principal structures, except for residential structures with 8 or fewer units, shall be 75 feet.

- (2) Setbacks shall be as required by the underlying zoning district, except that a 50-foot setback is required along a property line that is adjacent to a RE, R1, R1A, or R2 zoning district.
- (3) When a structure within the Arterial Development Overlay District is located within 75 feet of a property zoned RE, R1, R1A, or R2, any floor that is above the third floor or which begins more than 36 feet above the mean ground level must be setback 12 feet from the third floor building envelope.



205.052 Floodplain Management Overlay District

(A) Statutory Authorization

The legislature of the State of Minnesota has, in Minnesota Statutes, [Chapters 103F](#) and [462](#) delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Shoreview, Minnesota does ordain as follows:

(1) Findings of Fact

- (a) Flood hazard areas in Shoreview, 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.

(b) 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.

(c) 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.

(d) 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 by provisions contained herein.

(B) General Provisions

(1) Lands to Which Ordinance Applies

This ordinance shall apply to all lands within the jurisdiction of the City of Shoreview lying within the boundaries of the Floodway, Flood Fringe, or general Flood Plain Districts, as depicted on Shoreview's Official Flood Plain Map as defined in [Part 202](#) (Definitions) of the Shoreview Development Ordinance.

(2) Adoption of Official Flood Plain Management Map

The maps that comprise the Official Flood Plain Management Map, as defined in [Part 202](#) (Definitions), are hereby adopted by reference and declared to be a part of the City of Shoreview's Development Ordinance.

(3) Interpretation

(a) 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 City Council and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

(b) The boundaries of the zoning districts shall be determined by scaling distances on the Flood Plain Maps. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Flood Plain Map, 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 City Manager, the Planning Commission shall make the necessary interpretation. All decisions shall 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 Planning Commission and to submit technical evidence.

(c) Definitions

Terms used in this Section shall be interpreted as defined in **Part 202 – Definitions**, unless otherwise defined below. Terms not defined shall be interpreted so as to give them the same meaning as they have in common usage and so to give this Flood Plain Management Ordinance its most reasonable application.

- (i) 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.
- (ii) Basement, Floodplain - 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.
- (iii) 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.
- (iv) 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.
- (v) Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- (vi) 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, effective June 4, 2010.
- (vii) 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.

- (viii) 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.
- (ix) 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.
- (x) 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.
- (xi) Manufactured Home (Floodplain)– 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 (Flood Plain)” does not include the term “recreational vehicle (Floodplain).”
- (xii) 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.
- (xiii) Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
- (xiv) 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.
- (xv) Recreational Vehicle (Floodplain) – 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 Flood Plain Management Ordinance, the term recreational vehicle (Floodplain) shall be synonymous with the term travel trailer/travel vehicle.

- (xvi) 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" used in a flood insurance study.
- (xvii) 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.
- (xviii) 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 (Floodplain), Recreational Vehicles (Floodplain) not meeting the exemption criteria specified in [Item \(J\)\(4\)](#) other similar items.
- (xix) 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.
- (xx) 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 which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
 - i. 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.

- ii. 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](#).

(4) Annexations

The Flood Insurance Rate Map panels adopted by reference in [Item \(B\)\(2\)](#) above may include floodplain areas that lie outside of the municipal boundaries of the City of Shoreview at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Shoreview 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 Shoreview.

(C) Establishment of Zoning Districts

(1) Floodway District (FW)

The Floodway District shall include those areas designated as floodway on the Official Flood Plain Map adopted in [Item \(B\)\(2\)](#) above. For lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone AE (that do not have a floodway designated) and Zone A on the Flood Insurance Rate Map panels adopted in Section 205.091(B)(2) that are below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(2) Flood Fringe District (FF)

The Flood Fringe District shall include those areas designated as floodway fringe on the Official Flood Plain Map adopted [in Item \(B\)\(2\)](#), as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins, the Flood Fringe District shall include those areas designated as Zone AE (that do not have a floodway designated) and Zone A on the Flood Insurance Rate Map panels adopted in [Item \(B\)\(2\)](#) 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](#).

(3) General Flood Plain District (GF).

The General Flood Plain District shall include those areas designated as Zone A and Zone AE (without a floodway) on the Official Flood Plain Map adopted in [Item \(B\)\(2\)](#), which are not subject to [Items \(1\)](#) and [\(2\)](#) above.

(D) 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 (FW), Flood Fringe (FF) and General Flood Plain (GF) Districts, all uses not listed as permitted uses or conditional uses in [Items \(E\), \(F\), and \(G\)](#) that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- (1) New Manufactured Homes (Floodplain) and replacement of Manufactured Homes (Floodplain) are subject to the general provisions of this ordinance and specifically [Item \(J\)](#).
- (2) Modifications, additions, structural alterations, normal maintenance 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 [Item \(K\)\(4\)](#).
- (3) 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 [Item \(K\)\(1\)](#) below.

(E) Floodway District (FW)

- (1) Permitted Uses
 - (a) Outdoor plant nurseries and horticulture.
 - (b) Industrial-commercial loading areas and parking areas.
 - (c) Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, and single or multiple purpose recreational trails.
 - (d) Residential lawns, gardens, parking areas, and play areas.
 - (e) Seasonal docks for single dwellings.
- (2) Standards for Floodway Permitted Uses
 - (a) The use shall have a low flood damage potential.
 - (b) The use shall be permissible in the underlying zoning district.
 - (c) 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.
- (3) Conditional Uses

- (a) Structures accessory to the uses listed in [Item \(1\)](#) above.
 - (b) Extraction or storage of sand, gravel, and other materials in excess of ten cubic yards.
 - (c) Marinas, boat rentals, docks except as permitted in [Item \(1\)\(e\)](#) above, piers, and water control structures.
 - (d) Railroads, streets, bridges, utility transmission lines, and pipelines, installed after July 24, 1991 the effective date of Ordinance No. 561.
 - (e) Storage yards for equipment, machinery, or materials.
 - (f) Placement of fill or construction of fences.
 - (g) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures.
- (4) Standards for Floodway Conditional Uses
- (a) All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses 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.
 - (b) All floodway Conditional Uses shall be subject to the procedures and standards contained in [Section 203.042](#) of the Shoreview Development Ordinance.
 - (c) The Conditional Use shall be permissible in the underlying zoning district.
 - (d) Fill
 - (i) 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.
 - (ii) 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 and sediment control plan consistent with the requirements of [Division 207.070](#), and subject to applicable permitting requirements of the City.
 - (iii) As an alternative, and consistent with [Item \(2\)](#) 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 City Manager 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 Permit must be title registered with the property in the Office of the County Recorder.

(e) Accessory Structures

- (i) Accessory structures shall not be designed for human habitation.
- (ii) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,
 - ii. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (iii) 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 provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All 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.
 - 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.

(f) 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 City Council.

(g) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

(h) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(F) Flood Fringe District (FF)

(1) Permitted Uses

Those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses listed in [Item \(2\)](#) below and the "Standards for all Flood Fringe Uses" listed in [Item \(5\)](#) below.

(2) Standards for Flood Fringe Permitted Uses

(a) All structures, including accessory structures, must be elevated on fill so that the lowest floor including Floodplain, 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.

(b) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square

- feet of area at its largest projection may be internally flood proofed in accordance with [Item \(E\)\(4\)\(e\)\(iii\)](#).
- (c) The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with [Item \(a\)](#) above.
- (d) The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
- (e) The provisions of [Item \(5\)](#) below shall apply.
- (3) Conditional Uses
- Any structure that is not elevated on fill or flood proofed in accordance with [Items \(a\) through \(b\)](#) or any use of land that does not comply with the standards in [Items \(c\) through \(d\)](#) shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the procedures and review criteria specified in [Section 203.042](#) of City Code.
- (4) Standards for Flood Fringe Conditional Uses
- 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 above-noted alternative elevation methods are subject to the following additional standards:
- (a) The base or floor of an enclosed area shall be considered above-grade and not a structure's Floodplain, Basement or lowest floor if:
- (i) The enclosed area is above-grade on at least one side of the structure;
 - (ii) It is designed to internally flood and is constructed with flood resistant materials;
 - (iii) It is used solely for parking of vehicles, building access or storage.
- (b) 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.
- (c) 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:
- (i) A minimum area of “automatic” 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
 - (ii) 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.
- (d) Basements, Floodplain, as defined in [Item \(B\)\(3\)\(c\)\(ii\)](#), shall be subject to the following:
- (i) Residential Basement, Floodplain construction shall not be allowed below the Regulatory Flood Protection Elevation.
 - (ii) Non-residential Basements, Floodplain may be allowed below the Regulatory Flood Protection Elevation provided the Basement, Floodplain is structurally dry flood proofed in accordance with [Item \(4\)](#) above.
 - (iii) All areas of non-residential structures including Basements, Floodplain 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.

- (iv) When, at any one time, more than 1,000 cubic yards of fill or other similar material is to be located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion and sediment control plan must be submitted for approval by the City Manager. This plan must clearly specify the methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Manager. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
 - (v) Storage of Materials and Equipment: As regulated by [Item \(E\)\(4\)\(f\)](#) above.
 - (vi) The provisions of [Item \(5\)](#) shall also apply.
- (5) Standards for All Flood Fringe Uses
- (a) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Planning Commission must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
 - (b) 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.

- (c) 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 Item (b), 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.
- (d) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. If a change of special flood hazard area designation will be requested, the applicant shall document to the City Manager how they intend to comply with the Federal Emergency Management Agency's (FEMA) criteria for removing the special flood hazard area designation for certain structures when properly elevated on fill above the 100-year flood elevation prior to initiating any site work. (FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments.)
- (e) 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 Flood Plain Map.
- (f) All Manufactured Homes (Floodplain) 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.

(G) General Flood Plain District

(1) Permissible Uses

The uses listed in [Item \(E\)\(1\)](#) above shall be permitted uses. These uses shall be subject to the provisions set forth in [Item \(E\)](#) if the proposed use is in the Floodway District or to the provisions set forth in [Item \(F\)](#) if the proposed use is in the Flood Fringe District.

(2) Conditional Uses

All uses not classified as permitted in [Item \(F\)\(1\)](#), above, if permitted by the underlying zoning district, subject to the floodway/flood fringe evaluation criteria pursuant to [Item \(G\)\(3\)](#), below. The provisions set forth in [Item \(E\)](#) shall also apply if the proposed use is in the Floodway District and the provisions of [Item \(F\)](#) shall apply if the proposed use is in the Flood Fringe District.

- (3) Procedures for Floodway and Flood Fringe Determinations within the General Flood Plain District.
 - (a) Along with any application for a Conditional Use Permit or other approval for a use within the General Flood Plain District, the applicant shall furnish any of the following information deemed necessary by the City Manager for the determination of the Regulatory Flood Protection Elevation and a determination whether the proposed use is located within a Floodway or Flood Fringe District.
 - (i) Typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - (ii) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets;
 - (iii) Photographs showing existing land uses and vegetation upstream and downstream; and soil type.
 - (iv) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
 - (b) If the City Manager finds consultant assistance to be necessary, the applicant shall submit a copy of the above information to a designated engineer or other expert person or agency for technical assistance to determine whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Any costs incurred for this consultation shall be paid by the applicant. 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 shall discuss the

proposed technical evaluation methodology with the Department of Natural Resources prior to commencing the analysis. The designated engineer or expert shall:

- (i) Estimate the peak discharge of the regional flood.
 - (ii) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (iii) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- (c) The findings of the technical evaluation shall be presented to the City Council. The City Council must either accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. Prior to official action, the City Council may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources and/or the City Planning Commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the City Council shall refer the matter back to the City Manager who shall process the Conditional Use Permit application consistent with the applicable provisions of [Section 203.042](#) of the City Code.
- (4) Procedures for determining 1% annual chance flood elevations (100-YR flood elevations) for lakes located in Zone A:
- (a) Upon receipt of an application for a permit or other approval within a Zone A, the City Manager 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 City Manager for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.

- (b) 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 FW or FF 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.
- (c) Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the City Manager shall process the permit application consistent with the applicable provisions of [Items \(E\)](#) and [\(F\)](#).

(H) Subdivisions

- (1) Floodway/Flood Fringe Determinations in the General Flood Plain District. In the General Flood Plain District, applicants shall provide the information required in [Item \(G\)\(3\)](#) to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.
- (2) Removal of Special Flood Hazard Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing a special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. If a change in a special flood hazard area designation will be requested, the applicant shall demonstrate how FEMA's criteria will be satisfied before preliminary plat approval is granted. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments.

(I) Public Utilities and Transportation Facilities

- (1) 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.
- (2) Transportation Facilities

Railroad tracks, roads, and bridges to be located within the flood plain shall comply with [Items \(E\)](#) and [\(F\)](#) above. 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.

- (J) Manufactured Homes (Floodplain), Recreational Vehicles (Floodplain), and Manufactured Home Parks
- (1) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions for subdivisions specified in [Item \(H\)](#) and [Section 205.047](#) (Mobile Home Residential District).
 - (2) The placement of new or replacement Manufactured Homes (Floodplain) in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with [Item \(E\)](#) above. If vehicular road access for an existing manufactured home park is not provided in accordance with [Item \(F\)\(5\)\(a\)](#), then replacement Manufactured Homes (Floodplain) will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the City Council.
 - (a) All Manufactured Homes (Floodplain) 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.
 - (3) Recreational Vehicles (Floodplain) shall not be used as a permanent or temporary residence within a floodplain district.
 - (4) Any Recreational Vehicle (Floodplain) parked or stored in the FW, FF or GF Districts, as specified in [this Section](#), shall be permitted only on an individual lot of record or within an existing condominium association, and shall:
 - (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 (Floodplain) has no permanent structural type additions attached to it.

(K) Administration

(l) Approval Requirements for Property/Land Use Subject to the Requirements of the Flood Plain Management Ordinance

(a) Approval Required

Approval shall be obtained from the City Manager to confirm that a proposed land use conforms with the provisions of **this Section** prior to the applicant seeking approval of a building permit to erect, add on to, modify, rehabilitate (including normal maintenance and repair) or alter 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 seeking approval to change or extend 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 seeking a mining or grading permit to place fill, excavate materials, or store materials or equipment within the flood plain.

(b) Application for Approval Subject to This Section

Application shall be made to the City Manager on forms furnished by the City and shall include, where applicable: plans drawn to a scale acceptable to the City that show the nature, location, dimensions, and elevations of the lot; existing and proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

(c) State and Federal Permits

Prior to the City granting approval of a Conditional Use Permit or Variance, a determination shall be made by the City Manager that the applicant has obtained all necessary State and Federal Permits.

(d) Construction and Use to be as defined on Applications, Plans, Permits, and Variances.

Building Permits, Conditional Use Permits, or other approvals issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by [Item \(L\)](#) below.

(e) Certification

The applicant shall submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations have been accomplished in compliance with the provisions of this ordinance. Any flood-proofing measures shall also be certified by a registered professional engineer or registered architect.

(f) Record of First Floor Elevation

The City Manager shall maintain a record of the elevation of the lowest floor (including Basement, Floodplain) of all new structures and alterations or additions to existing structures in the flood plain. The City Manager shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.

(g) Notifications for Watercourse Alterations

The City Manager 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).

(h) 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 City Manager shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

(2) Variances

Variance from the terms of this ordinance may be approved, as specified by the procedures set forth in [Section 203.047](#) of the Shoreview Municipal Code.

(a) Flood Insurance Notice and Record Keeping. The City Manager shall notify the applicant for a variance that:

- (i) 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

- (ii) Such construction below the 100-year or regional flood level increases risks to life and property.

(b) Such notification shall be maintained with a record of all variance actions. The City Manager 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.

(3) Conditional Uses

Applications shall be submitted to the City Manager who shall process said application pursuant to [Section 203.042](#) of City Code.

(4) Nonconforming Uses

A structure or the use of a structure or premises which was lawful before the passage in August 1983 or subsequent amendment of the Floodplain Management Ordinance but which is not currently in conformity with the provisions of said Ordinance may be continued subject to the requirements in [Section 205.020](#) and the following conditions.

(a) 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 (b), (c) and (d) below.

(b) 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 [Items \(E\)](#) or [\(F\)](#) for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

- (c) If any nonconforming use or structure is substantially damaged, as defined in [Item \(B\)\(3\)\(c\)\(xix\)](#), 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 [Items \(E\)](#), [\(F\)](#) or [\(G\)](#) will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
- (d) If a substantial improvement occurs, as defined in [Item \(B\)\(3\)\(c\)\(xx\)](#), 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 [Items \(E\)](#) or [\(F\)](#) for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

(L) Penalties for Violation

- (1) 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. If the City Manager is made aware of or finds a violation of the provisions of this ordinance, he/she shall notify the person responsible for such violation in accordance with the procedures outlined below.
- (2) Nothing herein contained shall prevent the City of Shoreview from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:
- (a) The City 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. Failure of the City to act in good faith to enforce these official controls or to correct ordinance violations to the extent possible may jeopardize the City's eligibility to participate in the National Flood Insurance Program.
- (b) When an ordinance violation is either discovered by or brought to the attention of the City Manager, the City Manager 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.

- (c) The City Manager 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 City 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 City 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.
- (d) If the responsible party does not appropriately respond to the City 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 City 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.

(M) Amendments

- (1) The flood plain designation on the Official Flood Plain Map shall not be removed from the designated 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 regional flood 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.
- (2) Any proposed amendment to the Development Ordinance text that pertains to the Floodplain Management Ordinance, including the Official Flood Plain Map element of the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources

prior to adoption. Such changes in the Official Zoning Map must also 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 pursuant to this Section and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

(N) 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.

(O) 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 Shoreview or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

(P) 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.

205.053 Shoreland Management Overlay District

(A) Classification

In order to guide the development and utilization of the shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain protected waters in the City have been given a shoreland management classification. These protected waters in the City have been classified by the Commissioner of the Minnesota Department of Natural Resources (DNR) and shown on the Ramsey County Protected Waters Inventory map as follows:

- (l) Natural Environmental Waters:
 - (a) 62-44 Poplar Lake
 - (b) 62-74 Grass Lake

(2) General Development Waters:

- (a) 62-21 Turtle Lake
- (b) 62-82 Wabasso Lake
- (c) 62-64 Martha Lake
- (d) 62-56 Owasso Lake
- (e) 62-75 Island Lake
- (f) 62-73 Snail Lake
- (g) 62-81 Judy Lake
- (h) N/A Rice Creek
- (i) 62-80 Emily Lake
- (j) Unnamed Stream from Turtle Lake (62-61) to Marsden Lake (62-59)

(B) Purpose

The Shoreland Management Overlay District is illustrated on the City of Shoreview's Zoning Map. Shoreland management regulations pertaining to such items as minimum lot size, structure placement, and alteration of shoreland area have been adopted to manage the effects of shoreland and water surface crowding, to prevent pollution of surface and ground waters, to provide ample space on lots for sewage treatment facilities, to minimize flood damage, to maintain property value, to maintain the historic value of significant historic sites, to minimize impairment of views of protected waters and their shorelines, and to the extent possible maintain the natural character of shorelands and their adjoining public waters.

(C) Permitted Uses

The uses permitted in the Shoreland Management Overlay District are those uses allowed and regulated by the applicable base zoning districts.

(D) General Provisions

Except as hereinafter provided, the following standards shall apply to all shorelands of the protected waters designated as part of the Shoreland Management Overlay District. Where the requirements of the base zoning district as shown on the official Zoning Map are more restrictive than those set forth herein, the more restrictive standards shall apply:

Table 205.19. Shoreland Standards

Standard	Natural Environment Waters	General Development Waters
Minimum Lot Area		
Riparian Lot	40,000 square feet	15,000 square feet

Other	40,000 square feet	10,000 square feet
Minimum Lot Width		
Riparian Lots (at OHW, Building Setback from OHW, and front lot line)	200 feet	100 feet
Nonriparian Lots	125 feet	75 feet
Structure Setback from OHW	150 feet	50 feet
Structure Setback from Top of Bluff	30 feet	30 feet

(E) Calculation of Minimum Area and Width for Riparian Lots

Only that land located above the Ordinary High Water (OHW) Level shall be used in the calculations to determine compliance with minimum lot area requirements.

(F) Exceptions to Structure Setback Requirements

(1) Principal structure setback from the OHW

(a) New Construction

In those cases where there are existing dwelling units, including attached structures, on adjacent lots which have a lakeside setback of more than fifty (50) feet, the lakeside setback for a new dwelling unit, including attached structures, shall be equal to the average of the lakeside setbacks for the existing dwelling units, plus or minus 10 feet. In those cases where there is only one existing dwelling unit, including attached structures, on an adjacent lot, which has a lakeside setback of more than fifty (50) feet, the lakeside setback for the new dwelling unit, including attached structures, shall be equal to the average of 50 feet and the lakeside setback of the existing dwelling unit, including attached structures, plus or minus 10 feet. In any event, 50 feet shall be the minimum setback.

(b) Additions to the Existing Principal Structures

Where two or more existing adjacent dwellings, including attached structures, have lakeside setbacks which exceed the minimum lakeside setback by ten (10) or more feet, the lakeside setback for an addition to a dwelling shall not be less than the average of the lakeside setbacks for such existing adjacent dwellings, including attached structures, minus 10 feet. In any event, 50 feet shall be the minimum setback.

- (2) Setback requirements set forth in this section from side property lines and the OHW level shall not apply to docks, piers, boat lifts, retaining walls, walks, required safety railings along steps and retaining walls, or vegetation (trees, shrubs, flowers, etc.). Fences may be permitted anywhere lakeward of the required structure setback, except within the shore impact zone, provided they are not taller than 3.5 feet above grade. The City Manager may authorize fences up to 6 feet in height that extent into the Shore Impact Zone when a property abuts a walkway, park, or similar facility.
- (3) On residential property, only one water-oriented accessory structure may be located between the OHW level and the required structure setback, subject to compliance with the standards listed below in [Items \(a\) - \(c\)](#). Accessory structures that existed prior to June 21, 1993 and which do not comply with the provisions stated herein may be maintained, repaired, or rebuilt but cannot be expanded in floor area or height.
 - (a) The amount of impervious surface area on the lot will not exceed 30 percent of the lot area,
 - (b) The principal structure and any garage/storage structure comply with the required structure setback from the OHW level (principal structure means the dwelling, including any attached deck, porch, patio, etc.).
 - (c) The water-oriented accessory structure shall comply with the following requirements:
 - (i) It does not exceed 250 square feet in area, unless a boathouse which shall not exceed 288 square feet of area,
 - (ii) It is not wider than 12 feet as viewed from the water,
 - (iii) It does not exceed 10 feet of height above grade,
 - (iv) It is setback at least 20 feet from side property lines except where not possible due to lot width, in such case, the structure shall be located in the center of the lot or as otherwise deemed acceptable by the Planning Commission,
 - (v) It does not contain any sanitation facilities and is not used for habitation,
 - (vi) It is screened from view from the lake and from adjoining property as much as practical through landscaping, use of natural color(s), topography, and/or location.

- (vii) No water-oriented structure (other than a lawful boathouse) or off-season storage of an ice fishing house is permitted within the Shore Impact Zone. This setback requirement may be waived, but shall not be reduced to less than 10 feet from the OHW, if the Planning Commission determines that a practical difficulty exists which renders strict compliance to be unreasonable. Practical difficulty shall be defined as due to topography or other circumstance acceptable to the City.
 - (viii) A boathouse may be located within the Shore Impact Zone, provided it is at least 10 feet landward of the OHW and it complies with the other requirements stated herein.
 - (4) Detached accessory structures may be located in the front yard (between dwelling and street) of a lakeshore property.
 - (5) Structures, except stairways and landings, shall not be placed within a Bluff Impact Zone.
 - (6) Stairways, lifts, and landings shall be used when accessing public waters across Bluff or Shore Impact Zones. Such facilities shall also comply with the following standards:
 - (a) Stairways shall not exceed four feet in width except for public recreation uses, including trails.
 - (b) Landings for stairways must not exceed 32 square feet in area, unless associated with a public recreation use.
 - (c) Shall be screened from view of the public water.
- (G) Soils, Slopes and Grading
- Natural grades shall be maintained to the extent feasible in order to protect water quality and preserve views from the public water. Furthermore, measures shall be taken to prevent erosion and negate the impacts on adjacent properties.
- (1) Shore Impact Zones, Bluff Impact Zones and Steep Slopes
 - Land within steep slopes, shore and bluff impact zones on riparian lots shall maintain natural grades and shall not be altered, filled or excavated with the following exceptions:
 - (a) To accommodate the placement of stairways, landings, public recreation facilities, roads, trails, and water oriented accessory structures.
 - (b) To remedy slope failure utilizing acceptable methods for slope stabilization and protection. Retaining walls may be permitted provided the wall does not exceed four (4) feet in height. A greater

height may be permitted if it is necessary to remedy the slope failure.

(c) To maintain, repair or reconstruct existing retaining walls provided the walls maintain the same height and length.

(d) In accordance with an approved mitigation plan.

(e) A Grading Permit is required for [Items \(b\)](#) and [\(c\)](#).

(2) Structure

The existing topographical grade and elevation for new, expanded or reconstructed single family residences shall be maintained to the extent feasible. The finished topographical grade and elevation shall not be less than five feet below the existing topographical grade and elevation. Reconstruction is defined in [Item \(L\)\(2\)\(b\)](#) below.

(H) Vegetation and Woodlands

Shore Impact Zones, Bluff Impact Zones and Steep Slopes:

(1) Removal and trimming of landmark trees is prohibited, except as necessary to remove branches that are dead, diseased, or which pose a safety hazard.

(2) Non-landmark trees may be removed only where necessary, in the judgment of the City, to accommodate the placement of stairways, landings, public recreation facilities, roads, trails, and water oriented accessory structures, or to provide a view of the public water from the principal structure, provided that sufficient vegetation cover remains or is planted to screen motor vehicles, dwellings and other structures when viewed from the water. Such trees may also be trimmed or removed as necessary where branches are dead, diseased, or pose a safety hazard.

(I) Roads, Trailways, Driveways, and Parking Areas

Public and private roads, trailways, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must also be designed and constructed to minimize and control erosion and to retard the runoff of nutrients in accordance with the following criteria:

(1) All roads, driveways, and parking areas shall meet the setback requirements established for structures and must not be placed within a bluff or shore impact zone when other reasonable and feasible placement alternatives exist as determined by the City. If the City Council finds that no other reasonable option exists, these facilities may be placed within these areas if designed to minimize adverse impacts.

- (2) Parking areas for public watercraft access ramps and approach ramps shall be located at least 50 feet from the OHW unless no other practical alternative exists as determined by the City Council.
 - (3) Natural vegetation shall be used to screen parking areas when viewed from the water.
 - (4) Any grading, filling or excavation in the Shoreland Management Overlay District which will change or diminish the course, current or cross-section of protected waters or wetlands shall be approved by the Commissioner of the Minnesota Department of Natural Resources.
- (J) Maximum Impervious Surface Area Within Shoreland Areas
- (1) Detached Residential – Standard Riparian and Non-Riparian Lots.
Impervious surface area shall not exceed 25 percent unless the following conditions are satisfied and, in no case, shall impervious surface area exceed 40 percent:
 - (a) No water-oriented accessory structures (except docks, boatlifts, and retaining walls) will be located within the shore impact zone.
 - (b) No more than 50 percent of the impervious area on the property drains directly to an adjoining protected water.
 - (2) Detached Residential – Substandard Riparian Lots
See [Item \(L\)\(2\)\(c\)](#) below.
 - (3) Detached Residential – Substandard Non-Riparian Lots
See [Subsection 205.020\(D\)](#).
 - (4) All Other Uses
For uses other than Detached Residential, impervious surface area may be permitted to cover up to 60 percent of a site. Each of the following conditions must, however, be satisfied to cover more than 40 percent of these sites with impervious surface area:
 - (a) All required setbacks from the OHW level are proportionately increased up to double (100 percent increase) the standard requirements based upon percent of impervious surface area above 40 percent (e.g., a 75 percent increase in the standard lakeshore setbacks if 55 percent impervious area coverage is desired).
 - (b) A drainage easement is granted to the City for the purpose of maintaining natural (predevelopment) vegetative cover within the shore impact zone.
 - (c) Storm water drainage from all impervious surfaces shall be directed to a storm water detention pond before discharge to a protected water.

- (5) Except for those structures located at or below the OHW, such as docks, boat lift, and piers, all structures, including water-oriented accessory structures, shall be included in the calculation to determine compliance with the maximum impervious area requirements.

(K) Nonconforming Uses and Substandard Structures

Any use of shoreland property or a structure in existence on August 1, 1983 (effective date of Ordinance 458 and adoption of the initial Shoreland Management Code), but which does not meet the requirements of the Shoreview Development Code shall be allowed to continue in accordance with the provisions of [Division 205.020](#).

(L) Substandard Lots

(1) All Substandard Lots

(a) Adjacent lots of record in the Office of the County Recorder prior to August 1, 1983 in common ownership which do not meet the requirements of [this Division](#) must be combined and cannot be used as separate building sites unless all lots meet or exceed 66% of the minimum required lot width and area standards.

(b) Lots of record in the Office of the County Recorder prior to August 1, 1983, that are not adjacent lots of record in common ownership which do not meet the requirements of [this Division](#) may be allowed as separate building sites, provided:

- (i) The lot meets or exceeds 60% of the minimum required lot width and area standards as defined in [Item \(D\)](#) above and has a depth of at least 110 feet as defined in [Part 202](#), or
- (ii) The lot was occupied by a primary structure on or before March 20, 2000.

(c) No lot of record shall be used or reused as a separate homesite unless it abuts an improved public right-of-way or, if the lot was legally accessed via a private way prior to December 10, 1992, said access may continue to be utilized provided:

- (i) There is no practical way to extend a public street to the property;
- (ii) The private access is protected by a permanent easement recorded to run with the title of the property; and
- (iii) The private way complies with the fire apparatus requirements set forth in the Uniform Fire Code.

(2) Substandard Riparian Lots

- (a) No structures shall be expanded, constructed or reconstructed on a substandard lot of record unless design review approval is first obtained from the City in accordance with [Division 205.020](#).
- (b) Reconstruction of a structure is defined to mean replacement of three or more of the structure's six structural components (roof, floor, and four walls). Determination as to the extent of structural component replacement shall be made by the Building Official.
- (c) Design Standards for Substandard Riparian Lots. Any structures expanded, constructed, or reconstructed on a substandard riparian lot shall comply with the following standards:
 - (i) Impervious Surface Coverage
 - i. The impervious surface coverage of the parcel shall not exceed 25 percent. A maximum impervious surface coverage of 30 percent may be permitted if there are no structures (except for docks, stairways, lifts, landings, retaining walls, and fences) in the required setbacks from the Ordinary High Water level and/or bluff.
 - ii. If the existing impervious surface coverage on a parcel exceeds the allowable impervious surface coverage, existing impervious surface coverage may remain but shall not be increased. Existing impervious surface coverage is the impervious surface coverage legally present on or before March 20, 2000 or approved thereafter by the City.
 - (ii) Building Height

The maximum building height shall not exceed 35 feet as measured from the highest roof peak to the lowest point at finished grade.
 - (iii) Foundation Area

The foundation area of all structures, including dwellings and attached accessory structures, cantilevered areas, detached accessory structures greater than 150 square feet, and covered porches, covered decks, and covered patios shall be limited to 18 percent of the lot area of 1,600 square feet, whichever is greater. If the existing foundation area exceeds the allowed foundation area, the foundation area percentage may be maintained but not increased. Existing foundation area is the foundation area legally present on the property on or before March 20, 2000 or approved thereafter by the City.

(iv) Building Setbacks

i. Minimum Setback from the Property Front Line

Twenty-five (25) feet. However, in those cases where the existing setbacks for the two adjacent dwellings exceed this requirement, the setback of the new dwelling or any new addition shall be equal to the average setback of the two adjacent dwellings, plus or minus 10 feet. In those cases where there is only one existing adjacent structure which has a setback greater than twenty-five (25) feet, then the setback for the new dwelling or addition shall be equal to the average of twenty-five (25) feet and the setback of the existing adjacent structure, plus or minus 10 feet, but never less than a minimum of 25 feet.

ii. Minimum Setback from the Ordinary High Water Level

See [Items \(D\)](#) and [\(F\)](#) above.

iii. Minimum Setback from an Interior Side Property Line

10 feet. However, in those cases where an existing principal structure is set back less than 10 feet but at least 5 feet from the side property line, then the existing setback may be maintained provided the expansion, addition or reconstruction is no more than one story as defined by the Uniform Building Code. A minimum setback of 10 feet is required for any part of the structure that exceeds one story in height.

(v) Architectural Mass

i. The use of landscaping is encouraged to reduce the visual appearance of structures from the lakeshore.

ii. The use of natural color(s) and/or materials on the exterior of the structure is also encouraged to reduce the visual impact. Natural colors are shades of brown, gray, and green. Natural materials include wood or stone that complement the setting of the structure.

iii. If a variance is granted to any of these design standards or setback requirements, provisions (a) and/or (b) may be required as conditions of approval.

(3) Substandard Non-Riparian Lots

See [Subsection 205.020\(D\)](#).

(M) Shoreland Mitigation

A shoreland mitigation plan must be submitted for residential development that requires land use approval including, but not limited to, residential design review, variance, conditional use permit, subdivision or rezoning. The plan shall be designed to mitigate the adverse effects land development has on water quality and the lake environment. The mitigation plan shall be signed by the property owner, approved by the City Manager and a Mitigation Affidavit recorded with the Register of Deeds prior to the commencement of development activity. Furthermore, mitigation plans shall be completed within one year of the plan's approval unless otherwise approved by the City.

(l) Mitigation Practices.

The mitigation plan shall include at a minimum two of the following practices:

(a) Vegetation Protection Area

A vegetation protection area may be established which at a minimum shall include land area within the shore impact zone, bluff impact zone or steep slope. Within these areas, the removal of trees, shrubs and groundcover, grading, filling and other land disturbing activities are prohibited with the following exceptions:

- (i) Removal of vegetation is in accordance with [Item \(H\)](#) above.
- (ii) Establishment of one viewing corridor by selective pruning and selective removal of trees and shrubbery. Sufficient trees and shrubbery shall be retained to screen development from view of the water but provide a filtered view of the water. The viewing corridor should be more or less perpendicular to the shore and not be more than 30 feet wide at any point, including at the lakeshore. Water-oriented structures, walkways, stairways and lifts shall be located within the view protection corridor. Clearing, filling, grading and other land disturbing activities are not permitted in this corridor with the exception of the following:
 - i. Construction of a water-oriented structure, walkways, stairways and lifts.
 - ii. Shoreline protection activities as permitted by the DNR.
 - iii. Erosion control measures approved by the City, which are designed to remedy existing erosion problems.
 - iv. Beaches as permitted by the DNR.

(b) Vegetation Restoration

Vegetation restoration areas may be established which at a minimum shall include land within the shore and the bluff impact zones or steep slopes. Land area shall be restored from law, beach or other disturbances using native or natural landscaping.

(i) Steep Slope/Bluff Restoration.

Steep slopes and bluffs that are vegetated with turf may be restored with deciduous and ornamental trees, evergreens and shrubs that are native to the area.

(ii) Shoreline Buffer Restoration.

A buffer zone of at least 25 feet from and parallel to the ordinary high water mark shall be planted or restored and maintained with vegetation native to the area to fullest practicable extent possible with effective erosion and sediment control. Existing natural beaches or beaches which have been permitted by the DNR shall be allowed to continue and be maintained. A minimum of 30% of the lot's shoreline area shall be restored. This restoration area shall be contiguous unless otherwise approved as part of the mitigation plan.

(c) Architectural Mass

The use of natural color(s) and/or materials on the exterior of the structure shall be used to reduce the visual impact. Natural colors are shades of brown, gray, and green. Natural materials include wood or stone that complement the setting of the structure.

(d) Removal of Nonconforming Structures

The mitigation plan may include the removal of structures that do not comply with the required structure setbacks from the ordinary high water line or are located within a shore impact zone or bluff impact zone.

(e) Reduction of Impervious Surface Coverage

The mitigation plan may include a minimum 5% reduction of the existing impervious surface coverage. The preferable location of this reduction is within that portion of the lot that drains to the lake.

(2) Other practices

At the discretion of the City Manager, other restoration or protection activities may be approved as part of a mitigation plan provided they meet the objectives of this ordinance. Examples include the removal of artificial sand beaches, stormwater management and replacement of seawalls with bioengineering structures.

(N) Administration

The City shall notify and supply the Department of Natural Resources (DNR) with plans and information on the following:

- (1) Copies of all variance requests or public hearings for a Conditional Use Permit in a shoreland area shall be submitted to the Commissioner of the DNR at least ten (10) days prior to such hearing.
- (2) A copy of the final decision granting variances or Conditional Use Permits shall be submitted to the Commissioner of the DNR within ten (10) days after the meeting.
- (3) All preliminary plats within the shoreland area shall be submitted to the Commissioner of the DNR at least ten (10) days prior to the meeting.
- (4) All approved final plats shall be submitted to the Commissioner of the DNR ten (10) days after the meeting.
- (5) All Concept Planned Unit Developments shall be forwarded to and approved by the Commissioner of the DNR prior to approval by the City Council.
- (6) All amendments to **this Section** must be approved by the Commissioner of the DNR to be effective.

205.054 Telecommunications Management Overlay**(A) Purpose**

To protect the health, safety, and welfare of the public while allowing development of the competitive wireless telecommunications market in the City. Specifically, the purposes of this Section are:

- (1) To protect residential areas and land uses from potential adverse impacts from commercial telecommunications facilities and towers.
- (2) To minimize the adverse visual impact of commercial telecommunications facilities and towers through careful siting and design.
- (3) To protect public health and safety by ensuring appropriate design, construction, and maintenance of commercial telecommunications facilities and towers.
- (4) To ensure that commercial telecommunications facilities and towers are compatible with surrounding land uses.
- (5) To facilitate provision of telecommunications services to residents and businesses in the City.
- (6) To identify sites in the City where commercial telecommunications facilities and towers may be located.

(B) Applicability

The requirements of this district shall apply to all sites identified on the map "Telecommunications Overlay District" adopted July 5, 2011 as may be amended by the City Council in accordance with the procedure set forth in [Section 203.053](#), and which illustrates Telecommunications Overlay District 1 (TOD-1), Telecommunications Overlay District 2 (TOD-2) and Telecommunications Overlay District 3 (TOD-3).

(C) Permitted Uses

- (1) In the TOD-1 district, construction of commercial telecommunications facilities and towers up to 60 feet in height and the installation, operation, and maintenance of wireless telecommunications facilities (WTFs).
- (2) In the TOD-2 district, construction of commercial telecommunications facilities, including towers up to 75 feet in height and the installation, operation, and maintenance of WTFs.
- (3) In the TOD-3 district, installation, operation and maintenance of WTFs only on existing buildings. New towers are not permitted in this district.
- (4) All permitted, conditional, and accessory uses allowed in the underlying zoning district are permitted in the Telecommunications Overlay District.

(D) Required Conditions

- (1) Only one free-standing telecommunications tower shall be permitted per property unless the Planning Commission recommends and the City Council approves additional tower(s) based on the size, topography, setting, and/or other feature of the property.
- (2) All commercial telecommunications towers or wireless telecommunication facilities shall comply with the standards in [Division 206.050](#).

(E) Priority for Use

Priority for use of the installation, maintenance, and operation of facilities within the Telecommunications Overlay District will be given to the following entities in descending order:

- (1) City of Shoreview.
- (2) Public safety agencies including law enforcement, fire, and ambulance services and private entities with a public safety agreement with the City of Shoreview.
- (3) Other government agencies, for uses not related to public safety.
- (4) Commercial entities marketing services to the general public.

205.060 Special Districts**205.061 Planned Unit Development (PUD)****(A) Purpose**

In the establishment of the PUD District, the City recognizes that the objectives of the Development Regulations Chapter have been adopted to insure uniformity in the treatment of land use, density, bulk and open space and further recognizes that such uniform treatment is based on the concept of one building on one lot. The City hereby recognizes that there have been important changes in methods of subdivision layout, the design and use of land, and placement of buildings thereon and further recognizes that the methods for preservation of public health, safety, morals, and general welfare must be altered from time to time to meet advances in technology, and changes in social thought as they occur and present the demand. Therefore, this district is established to facilitate:

- (1) Innovations in residential development to the end that the growing demands for housing at all economic levels may be met by recognizing greater variety in tenure, type, design and siting of dwellings and by the conservation and more efficient use of land in such development.
- (2) Higher standards for site and building design.
- (3) An incentive to redevelop obsolete or substandard land uses where present development standards cannot be met.
- (4) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- (5) The creative use of land and related physical development.
- (6) A more efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs and public investments.
- (7) A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.
- (8) A technique which responds to a flexible manner to the land use categories defined on the Land Use Chapter of the Comprehensive Guide Plan.

(B) Permitted Uses

- (1) The uses permitted in the district shall reflect the needs identified through the Comprehensive Guide Plan as well as those which the developer may prove to be consistent and compatible as reflected by

the approved final development plan. Densities shall be in compliance with the Land Use Chapter of the Comprehensive Guide Plan.

- (2) Utilities
- (3) Towers and antennas permitted by the base zoning district associated with the Planned Unit Development unless otherwise restricted by the conditions of the PUD approval.
- (4) Commercial antennas when located on publicly-owned water tower and subject to lease negotiated with the City.

(C) Required Conditions

- (1) In no case shall Planned Unit Development be construed to permit a variation in the sanitary sewer, group usable open space, maximum lot coverage, screening and landscaping or performance standards as set forth in this ordinance.
- (2) No alteration, improvement or development of the property shall be permitted until City Council approval of the Development Stage PUD Plan.
- (3) Signs shall be regulated by the underlying District regulations and approved through a Comprehensive Sign Plan.

205.062 Urban Underdeveloped District (UND)

(A) Purpose

The Urban Underdeveloped District is used to identify vacant lands on which the City has not approved a development proposal or lands which are currently being utilized but remain substantially underdeveloped.

(B) Permitted Uses

- (1) Public and quasi-public facilities subject to Planning Commission review and a City Council finding that the use(s) will not impede or otherwise conflict with the planned use of adjoining property. The City Council may attach conditions to its site plan approval to insure that the use will not interfere with the planned use of adjoining property.
- (2) Utilities
- (3) New uses or changes in existing uses, except those uses listed in subdivisions 1 and 2 above, shall not be permitted without a rezoning.
- (4) New uses or changes in existing uses shall conform to the Land Use Chapter of the Comprehensive Guide Plan.

205.063 Open Space District (OS)

(A) Purpose

(B) The Open Space District is established to identify those properties that should be preserved predominantly in their natural state so as to further the safety, health, welfare and enjoyment of all persons in the use thereof, and to protect public property and resources for posterity. Permitted Uses Public and quasi-public facilities subject to Planning Commission review and a City Council finding that the use(s) will not impede or otherwise conflict with the planned use of adjoining property. The City Council may attach conditions to its site plan approval to insure that the use will not interfere with the planned use of adjoining property.

206 Use-Specific Standards

206.010 Principal Uses - Residential

206.011 Dwelling, Two- to Four-Family

(A) Only two- and three-family dwellings shall be allowed in the R1A district.

206.012 Dwelling, Attached Townhouses or Rowhouses

(A) Attached townhouses or rowhouses with a maximum of 8 units per building shall be allowed in the R2 district.

(B) In the R3 and MU districts, attached townhouses or rowhouses with a maximum of 12 units per building shall be allowed.

(C) The minimum width of each individual dwelling unit in such townhouse or rowhouse, measured from interior wall to interior wall along the exterior wall, shall be not less than 20 feet.

206.013 Dwelling, Apartment

(A) An apartment building shall be limited to a maximum of 12 units per building in the R2 district.

(B) The structure shall be set back a minimum of 50 feet when the use is adjacent to an R1, R1A, or R2 district.

206.014 Dwelling, Senior Independent Living

(A) In the R2 district, no more than 8 units per building shall be allowed.

206.015 Manufactured Home Park

(A) Generally. All regulations prescribed by the State Board of Health or other authority having jurisdiction and the regulations of the Building Code of the city shall be complied with in addition to the regulations set forth in this subsection.

(B) Size. Any manufactured home park established after the effective date of this Chapter shall contain not less than 20 manufactured home lots and shall be at least three (3) acres in area.

(C) Access. Each manufactured home park shall abut upon a public street and shall have a minimum of two (2) ingress and egress locations abutting the public street.

(D) Setback Requirements.

- (1) Structures in manufactured home parks shall be set back 25 feet from all perimeter property lines.

- (2) The minimum building separation between neighboring manufactured homes shall be 15 feet.
- (E) Building Height. No building or structure hereafter erected or altered in a manufactured home park shall exceed 20 feet or one and one-half (1.5) stories in height.
- (F) Interior Requirements. The following requirements shall apply to the interior of the manufactured home park:
- (1) Interior streets. The minimum roadway width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 30 feet. The minimum width of two-way streets without parking shall be 20 feet. The streets shall be paved according to City specifications for residential streets, maintained in good condition and lighted at night.
 - (2) Lot area. The minimum lot area per manufactured home site shall be 5,000 square feet.
 - (3) Utilities. Each manufactured home shall be equipped with one electric outlet and hookups for municipal water and sewer. Fire hydrants shall be located in accordance with generally accepted practices as determined by the City Fire Marshal and City Engineer.
 - (4) Setback from interior streets. No manufactured home shall be located closer than 20 feet to the traveled portion of an interior street.
 - (5) Off-street parking. Off-street parking shall be provided at the ratio of two (2) spaces for each manufactured home lot.
- (G) Required Improvements. In order that a manufactured home park may be harmonious within itself and with the surrounding area, the following improvements shall be required:
- (1) Adequate provisions per City standards for the control of surface drainage, approved by the City Engineer must be incorporated on the site.
 - (2) All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire area maintained in good condition in accordance with [Division 210.030](#).
 - (3) A 12-foot bufferyard meeting the standards specified in [Section 207.043](#) shall be located and maintained along all exterior boundary lot lines of the manufactured housing park not bordering a street.
 - (4) Skirting for manufactured homes is required.

- (5) Skirting shall be a permanent exterior material color coordinated to match the decor of the manufactured home.
 - (a) All skirting shall be firmly attached and maintained in good repair.
 - (b) No other buildings or structures shall be attached to a manufactured home, as specified by the Building Code.
 - (6) Accessory structures allowed shall be one (1) utility building per lot no larger than 120 square feet. No accessory structure shall be placed less than ten (10) feet from any structure on an adjacent lot; less than six (6) feet from the main structure and/or closer to the street than the front of the main structure.
 - (7) One (1) deck per manufactured home shall be permitted. The deck can be enclosed by an aluminum, canvas or fiberglass awning with a mesh screen.
 - (8) There shall be provided within each manufactured home park, a recreation site or sites, for the exclusive use of the park occupants. The recreation site shall have a minimum area of 10,000 square feet for each 50 units or fraction thereof. Where possible, the area shall be configured so it is no longer than two times its width. The recreational sites shall be provided with equipment as approved by the City Council.
- (H) Commercial Operations Restricted
- No commercial operation shall be conducted within the park other than those necessary for the operation thereof. A common laundering facility for park occupants is an allowed use. Commercial sales lots for manufactured homes are prohibited.
- (I) Parking Restrictions. Except as may be authorized by general traffic and parking regulations or ordinances, no person shall park or occupy any recreational vehicle in a manufactured home park.
- (J) New Application Required for Enlargement, Extension or Transfer of Permit. Any enlargement or extension to any existing manufactured home park or transfer of an existing permit shall require a new application for a conditional use permit as if it were a new establishment.
- (K) Storm Shelter Facilities. There shall be provided within each manufactured home park that has ten units or more, except a park for travel trailers, suitable storm shelter facilities constructed to withstand a free field of wind of 200 mph, a 1.2.PSI drop in four seconds, of any type of missile projections. Storm shelter facilities shall comply with the most recent State Building Code requirements and State Health Department standards. The

area of the shelter facilities shall be equal to seven and one-half square feet per manufactured home lot.

- (L) Promulgation of Additional Regulations. In addition to the foregoing, the City may impose other conditions, requirements or limitations concerning the design, development and operation of the manufactured home park it may deem necessary for the protection of adjacent properties and the public interest.

206.016 Assisted Living Facility

- (A) An assisted living facility shall be limited to a maximum of 12 units per building in the RE, R1, R1A, and R2 district.
- (B) A minimum of 600 square feet of lot area shall be provided for each person to be housed on the site.
- (C) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.
- (D) The structure shall be set back a minimum of 50 feet when the use is adjacent to an RE, R1, R1A, or R2 district.
- (E) At least 12 percent of the lot area shall be developed as an outdoor recreation area or gathering space.
- (F) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.
- (G) Approval must be obtained from the proper agencies concerning health and safety conditions and the home must be licensed by the agencies.

206.017 Long-Term or Transitional Care Facility

- (A) A long-term or transitional care facility shall be limited to a maximum of 12 units per building in the RE, R1, R1A, and R2 districts.
- (B) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.
- (C) The structure shall be set back a minimum of 50 feet when the use is adjacent to an RE, R1, R1A, or R2 district.
- (D) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.
- (E) Approval must be obtained from the proper agencies concerning health and safety conditions and the home must be licensed by the agencies.

206.018 Continuing Care Facility

- (A) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.
- (B) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.
- (C) Approval must be obtained from the proper agencies concerning health and safety conditions and the facility must be licensed by the proper agencies.

206.020 Principal Uses – Public or Institutional**206.021 Daycare Center**

- (A) All principal structures and uses shall have the greater of the applicable district side yard setback or a minimum six-foot (6) side yard setback.
- (B) Play equipment, swings, sand boxes, or similar structures shall not be located in the required front yard setback and shall be effectively screened from any adjacent residential use.
- (C) The boundaries of an outdoor play space shall be defined by a permanent enclosure not less than four (4) feet high to protect the children. Fencing, plants or landscaping may be used to create a permanent enclosure.
- (D) Within the Office District daycare centers that are free-standing or occupy more than 50 percent of the leasable area in a multiple tenant building require a conditional use permit.

206.022 Public Assembly Use

- (A) Public assembly use standards shall apply to all of the following uses:
 - (1) Club, lodge, or meeting places of a non-commercial nature
 - (2) Municipal, social, cultural, or recreational facility
 - (3) Municipal, county, state, or federal administrative or services building
 - (4) Place of worship
 - (5) School, public or private
 - (6) Recreation facility
 - (7) Theater, dance, or music performance facility
- (B) Public assembly uses shall be permitted, with the following standards:
 - (1) The minimum lot size is at least three acres.
 - (2) Parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with **Division 207.060**.

- (3) Adequate off-street loading and service entrances are provided and regulated where applicable by § 155.051; and all service areas and loading docks shall be located behind the front facade line of the principal structure and not visible from a public right-of-way or any adjoining residential use.
 - (4) The use shall be located along an improved (i.e. blacktop or concrete) collector or arterial roadway as identified in the city's Comprehensive Plan.
 - (5) When adjacent to, or across the street from, a property zoned residential or designated residential in the Comprehensive Plan, the following shall apply:
 - (a) Side, rear and parking setbacks shall be double the standard requirement, but no less than 30 feet.
 - (b) A minimum of 30% green space shall be provided.
 - (6) It shall be permissible to serve food and meals on such premises, providing adequate dining space and kitchen facilities are available.
 - (7) Serving of alcoholic beverages to members and their guests shall be allowed providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that serving of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws. A liquor license is required from the City.
- (C) Public assembly uses with a capacity of greater than 250 persons as calculated according to the City's Building Code shall meet the following requirements:
- (1) A traffic impact study shall be conducted by the city's traffic consultant at the expense of the applicant. The traffic impact study shall assess the potential short-term and long-term traffic impacts associated with the proposed use on the site itself and on adjacent roadways. The traffic impact study shall identify appropriate mitigation and/or recommendations to offset project impacts, which the user shall be responsible for implementing at its sole cost.
 - (2) An operations plan approved by the city that shall prescribe typical start and end times for the primary activity or activities constituting the use (e.g. motion picture showings, worship service times, or other assembly function), in addition to accessory uses. The operations plan shall be based on the traffic impact study, if any, nearby land uses and

other related factors, and incorporated into a conditional use permit agreement.

- (D) Any modification of an existing use which intensifies the use and/or surpasses the 250 person occupancy threshold shall require a Site and Building Plan review and shall be subject to 1 and 2 above

206.030 Principal Uses – Commercial

206.031 Animal Boarding, Shelter, or Daycare Center

- (A) The use shall comply with the provisions listed in **Section 601** Animal Licensing and Control of the City Code.
- (B) Hospitals and clinics operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this Section.
- (C) The subject site shall be a minimum of 1.5 acres in size.
- (D) The facility shall have an outdoor exercise area with an approved ground cover. This outdoor exercise area shall be enclosed with fencing not to exceed 6-feet in height.
- (1) The outdoor exercise area shall not be adjacent to property zoned for residential use.
 - (2) The outdoor exercise area shall be setback a minimum of 10 feet from adjoining property lines and may not be located in any yard area adjacent to a street.
- (E) All animals shall be kept indoors between the hours of 9:00 PM and 7:00 AM.
- (F) The operation shall not create noise which can be heard by any person at or beyond the property line of the lot on which the kennel is located so as to create a nuisance.
- (G) No more than 25 animals over the age of six (6) months shall be kept on the site at any time.

206.032 Animal/Veterinary Clinic or Hospital

- (A) All principal structures and uses shall be a minimum of 100 feet from any residence. The aforesaid minimum lot area and minimum distance from any residence shall not be required for animal hospitals which do not provide outside boarding for animals.
- (B) Any building or room within a building in which animals are housed on an overnight basis shall not have openings other than stationary windows and required fire exits.

- (C) Exercise runs shall be enclosed on four sides by a sight-obscuring, unpierced fence or wall at least five feet in height.

206.033 Automobile Fueling Station

- (A) Up to twelve (12) fueling stations allowed on one site.
- (B) All gas pumps and tanks shall be setback a minimum of thirty (30) feet from any side or rear lot line and twenty (20) feet from any public right-of-way.
- (C) Gas pump island canopies shall be setback a minimum of twenty (20) feet from any side or rear lot line and ten (10) feet from any public right-of-way.

206.034 Automobile Fueling Station with Repair

- (A) Up to twelve (12) fueling stations allowed on one site.
- (B) All gas pumps and tanks shall be setback a minimum of thirty (30) feet from any side or rear lot line and twenty (20) feet from any public right-of-way.
- (C) Gas pump island canopies shall be setback a minimum of twenty (20) feet from any side or rear lot line and ten (10) feet from any public right-of-way
- (D) Any portion of a building used for minor repair shall be located at least 50 feet from any R district and shall have no openings adjoining any R district, other than stationary windows and fire escapes.
- (E) No outdoor storage, with the exception of vehicles being serviced, is permitted on the property. All repair and service work shall be completed within an enclosed building.
- (F) All petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.
- (G) All necessary permits shall be obtained from the proper authorities prior to the operation of the auto repair use.
- (H) A parking area for vehicles to be serviced shall be located adjacent to the portion of the building used for automobile repair.

206.035 Automobile Repair or Automobile Body Shop

- (A) The use, including outdoor parking areas, shall be screened from all adjacent residentially-zoned property, including any properties directly across the street from the facility.
- (B) Any portion of a building used for minor repair shall be located at least 50 feet from any R district and shall have no openings adjoining any R district, other than stationary windows and fire escapes.
- (C) No outdoor storage, with the exception of customer vehicles waiting for repair or pick-up, is permitted on the property.

- (D) All repair and service work shall be completed within an enclosed building.
- (E) All petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.
- (F) All necessary permits shall be obtained from the proper authorities prior to the operation of the auto repair use.

206.036 Automobile Sales, Leasing, Rental, and Services

- (A) The use is permitted in single-tenant or multi-tenant commercial buildings.
- (B) No more than five (5) rental cars for pick-up or drop off in the short term may be parked and/or stored on the property.
- (C) The number of parking stalls provided this use shall be in addition to the City's minimum parking requirements for the property and shall be located to the rear or side of the building.
- (D) No servicing of vehicles shall be offered to the general public.

206.037 Brewpub

- (A) Compliance with all applicable provisions of state and local law and obtain all required licenses.
- (B) Owner/operator shall install all standard or necessary equipment to ensure that detectable odors coming from brewing/distilling operation are eliminated to prevent odors from presenting a public nuisance.
- (C) No exterior storage allowed including but not limited to: brewing/distilling equipment, product, raw materials or waste materials.
- (D) A loading and unloading area for all trucks greater than twenty-two (22) feet in length must be provided off-street.
- (E) No more than fifty percent (50%) of the total gross floor area of the establishment shall be used for the brewery function, including but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- (F) Revenue from food sales must constitute at least fifty percent (50%) of total business revenue.

206.038 Restaurant

- (A) Musical entertainment may be offered within a restaurant when clearly secondary to the restaurant.
- (B) In the Office and Business Park Districts the following standards shall be met:

- (1) Food sales constitute at least 60% of the establishment's gross sales.
- (2) Except for special occasions, do not accept orders for food after 11:00 p.m.
- (3) Qualify for the issuance of an intoxicating on-sale liquor license within the City.
- (4) Do not have drive-up order facilities.
- (5) Are able to accommodate, by reservation, gatherings of 20 or more people.

206.039 Retail with Office above Street Level

- (A) The retail use may account for no more than 30% of the ground floor area.
- (B) Any retail use shall be related to the principal office use.

206.040 Principal Uses – Industrial

206.041 Brewery, Winery, or Distillery

- (A) The use shall comply with all applicable provisions of state and local law and all required licenses shall be obtained.
- (B) Owner/operator shall install all standard or necessary equipment to ensure that detectable odors coming from brewing/distilling operations are eliminated to prevent odors from presenting a public nuisance.
- (C) No exterior storage shall be allowed including but not limited to: brewing/distilling equipment, product, raw materials, or waste materials.
- (D) A loading and unloading area for all trucks greater than 22 feet in length must be provided off-street.
- (E) Facilities within the C2 district shall also meet the following:
- (1) The facility shall not produce more than 20,000 barrels of malt liquor, wine, or spirits per year.
 - (2) A taproom and/or retail outlet is required and shall be located along the primary storefront of the building.
 - (3) The taproom and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit.
 - (4) Alcohol produced off-site shall not be sold on-site. This includes both on-sale and off-sale transactions.
 - (5) Breweries, wineries, or distilleries in the BPK and I districts may provide a taproom and/or retail outlet following the above provisions.

206.042 Makerspace

(A) This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks.

Distribution access shall be from the rear.

(B) A showroom or retail outlet is permitted.

(C) Distribution shall be from a designated loading area only.

206.043 Manufacturing, Light

Odors produced on-site shall not negatively affect other businesses or properties in the area.

206.044 Self-Service Storage Facility

(A) No entrance doors to storage compartments shall front on any public street.

(B) Exterior surfaces of all building shall meet architectural design standards set forth in **Division 207.030** of this Code.

(C) The site shall be secured by a security fence or wall that does not exceed 8-feet in height.

(D) Units shall not be used as habitable space or as a dwelling unit.

(E) No building shall be located closer than twenty-five (25) feet to each other to allow for parking, loading, and driveway and fire lanes.

(F) All driveways and parking areas shall have a paved surface with bituminous, concrete pavement, concrete pavers or other similar materials and allow for circulation of emergency vehicles throughout the site.

206.045 Storage and Sale of Machinery and Equipment

Storage of machinery and equipment shall be enclosed, however, said materials may be stored outside provided the following standards are met:

(A) Outdoor storage areas shall be screened from view of adjoining right-of-ways and adjacent properties to minimize the visual impact of the area in accordance with the following requirements:

(1) The screening materials shall consist of both deciduous and coniferous vegetation species, attractive low or no maintenance fencing with an opaquing material, landscaped berm, brick or masonry wall, or any combination of these items. Fencing and walls shall not exceed eight feet in height. All screening materials shall be maintained so that dust and other windblown materials that originate on the site remain on the site as far as practical.

(2) All landscape materials shall comply with the minimum standards set forth in Section 206.010 (Landscape and Screening). The City Forester

shall approve the species mix, height, and density of plantings on the basis of year-around screening needs.

- (3) If the outdoor storage area is adjacent to property that is not zoned industrial, the outside storage area shall be setback a minimum of 20 feet from the property line.
 - (4) The storage area is surfaced with asphalt or concrete unless specifically approved by the City Council.
 - (5) The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
 - (6) The storage area is not greater than 125% of the principal structure's building footprint.
- (B) Outdoor storage areas shall not be located in any yard adjacent to a public right of way.

206.050 Principal Uses – Other

206.051 Adult Establishment

- (A) All adult establishment uses shall comply with the provisions of Code Section 712.

206.052 Ambulance or Medical Carrier Service

- (A) In the C1, C2, BPK, and INST districts, there shall be no outside storage of vehicles.
- (B) In the C1, C2, BPK, I, and INST districts, any vehicle maintenance and repair shall be completed within in enclosed building.

206.053 Commercial Recreation

- (A) Commercial Recreation, Outdoor

All structures shall be a minimum of 50 feet from any district boundary.

- (B) Commercial Recreation, Indoor

Gymnastics training and/or exhibition centers shall be permitted provided the following standards are met:

- (1) The presence and operation of said activity will not significantly interfere with the functionality or attractiveness of the area for permitted industrial uses.
- (2) Access to and from the site does not require the patrons to travel through commercial truck docking areas or areas frequented by heavy machinery. Access to the facility, while on the site, shall not require pedestrians to travel through commercial truck docking areas or areas frequented by heavy machinery.

- (3) For purposes of determining adequacy of on-site parking, the standards for commercial recreation uses shall be used as a guideline if a more definitive basis is not available. Parking space credit may be given for scheduling gymnastics activities when the typical industrial uses will be closed for business.

206.054 Commercial Antenna

- (A) The antennas must be located on or attached to an existing structure.
- (B) The height shall not exceed 6 feet above the roof.
- (C) The antennas, to the extent possible, use materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment.
- (D) Wireless telecommunication antennas shall also comply with the standards in [Section 206.059](#).

206.055 Commercial Telecommunications Facilities and Tower up to 60 Feet in Height

- (A) Telecommunications facilities and towers shall be located within the TOD-1 overlay district.
- (B) No more than one (1) facility or tower shall be placed on a property.

206.056 Commercial Telecommunications Facilities and Tower up to 75 Feet in Height

- (A) Telecommunications facilities and towers shall be located within the TOD-2 overlay district.
- (B) No more than one (1) facility or tower shall be placed on a property.

206.057 Controlled Access/Beach Lot

Any such lot created after January 1, 1993, shall comply with the following requirements:

- (A) The parcel's width and area shall meet or exceed the requirements set forth in [Section 205.053](#) (Shoreland Management Overlay District) for a residential lot.
- (B) The location, topography, and size of the lot are found to be suitable for the proposed use by the City Council. In making this determination, the City Council must find that the proposed recreation activities will not significantly conflict with the general public's use of the public water or with the normally anticipated activities and enjoyment of the public water by the adjoining property owners.

- (C) Any parking lot facility and any permanent or temporary accessory structures to be located on the controlled access/beach lot shall comply with all setback requirements as if the parcel were a conventional single-dwelling homesite. All structures shall also be screened by vegetation or topography, as much as practical, from view from the public water, assuming summer, leaf-on conditions. If a parking lot is installed, its capacity shall not exceed six vehicles.
- (D) Launching, loading, docking, mooring, beaching or over-water (shore station) storage shall be limited to six watercraft, unless a marina permit is approved by the Department of Natural Resources and is found by the City Council to be compatible with the subject site and the adjoining land uses.
- (E) The parcel must be jointly owned by each of the associated nonriparian property owners who are provided riparian access rights via the controlled access/beach lot.
- (F) The Conditional Use Permit authorizing a controlled access/beach lot shall be recorded against the title of all benefiting property owners. Said permit shall include, but not be limited to, the permissible activities and a listing of the benefiting properties.

206.058 Parking Structure

- (A) The use shall be screened from all adjacent residentially-zoned property, including any properties directly across the street from the facility.
- (B) Parking structures shall meet the minimum structure setback requirements of the zoning district in which they are located. Underground parking within the front yard setback may be permitted provided the structure is not visible from the ROW and is located at least 10 feet from the front property line.
- (C) Use shall not be located within 50 feet of any R district.
- (D) In the Mixed Use districts, any parking area for more than twenty (20) vehicles shall be enclosed by a decorative fence and/or landscaping.

206.059 Wireless Telecommunication Facilities (WTF)

(A) Siting

New WTFs shall only be located on parcels that fall within the Telecommunications Overlay District.

(B) Color, Camouflage and Architecture

All WTFs shall be camouflaged and use architectural design, materials, colors, textures, screening, and landscaping to blend in with the

surrounding natural setting and built environment. If a WTF is proposed on any part of a building or structure, it must blend with the building or structure's design, architecture and color, including exterior finish. All WTFs shall utilize color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the City Council, so appear compatible with the surroundings:

(1) Color

The WTF shall use colors to minimize the visual impact when viewed from adjacent public streets and nearby property, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

(2) Camouflage

The WTF shall, to the extent practicable, simulate objects that typically occur in landscapes similar to the proposed location, except for billboards, electrical transmission facilities or telecommunications towers, and similar constructions. Examples of camouflage designs include flagpoles, sport field lighting poles, trees, monuments, and on buildings, steeples, parapets and rooftop penthouses.

(a) Utility cabinets shall be placed in underground vaults or integrated within existing structures, unless the City determines an above-grade installation is appropriate for the site.

(b) Freestanding, above grade equipment cabinets shall be heavily screened from view with landscape materials.

(3) Architecture

The WTF shall be designed to blend in with the surrounding natural setting and build environment.

(a) Towers shall use antennas, antenna mounts, equipment enclosures and monopoles that provide minimal visual profile and silhouette, in order to reduce visual clutter. For example, underground cable routing is less visually intrusive than using overhead cables with metal bridging for ice-fall protection; cylindrical unicell antenna arrays are preferred over davit arms or other types of mounting brackets extending out from the monopole; platform mounted antennas are generally discouraged.

(b) Building mounted wireless telecommunications facilities shall be screened from view or camouflaged in a manner to generally comply with the Architectural and Site Design Standards specified in [Division 207.030](#).

(C) Landscaping

Except in the TOD-3, WTFs shall be landscaped with a buffer of plant materials as determined appropriate for the site by the City. Existing mature trees and other vegetation at the site shall be preserved to the maximum extent possible.

(D) Signs

The use of any portion of a WTF for signs or advertising other than warning or small equipment and emergency contact information signs is prohibited.

(E) Lighting

Wireless telecommunication antennas or towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority. When incorporated into the approved design of the WTF, light fixtures used to illuminate sport fields, parking lots or similar areas may be attached to the tower.

(F) Monopole

New wireless telecommunication towers shall be of a monopole design unless the applicant demonstrates to the satisfaction of the City Council that an alternative design would better blend into the surrounding environment.

(G) Tower Setbacks

Wireless telecommunications towers shall comply with the principal structure setbacks of the underlying zoning district and the following additional standards:

- (1) The tower is set back from all residential dwellings units at least one foot for each foot in height.
- (2) Tower shall not co-occupy any easements unless permission is obtained from the underlying property owner and holder of the easement.
- (3) Tower shall not be located between a principal structure and a public street.
- (4) The required tower setbacks may be reduced or the location in relation to a public street modified, at the sole discretion of the City, when the WTF is integrated into an existing or proposed structure such as a building, light or utility pole.

(H) Height

- (1) The height of any commercial telecommunications tower shall not exceed 60 feet in the TOD-1 district and 75 feet in the TOD-2 district.
- (2) Antennas located in the TOD-1 and TOD-2 on an existing structure which exceeds the maximum telecommunications tower height for the District in which the existing structure is located may extend up to 5 feet above the height of the structure.
- (3) In the event substantial obstacles to RF signal propagation are present within 1000 feet of the proposed WTF, the telecommunications tower height may be increased an additional 20% above the maximum height permitted in the TOD. No such increase in height will be permitted unless the applicant's proposed design utilizes color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the City Council, so appear in context on the landscape.
- (4) WTFs mounted on an existing building in the TOD-3 shall:
 - (a) Roof mounted WTF are preferred near the center of the building in a location that minimizes visibility from the surrounding area.
 - (b) Roof mounted WTF shall extend a maximum of 10 feet above the height of the building to which they are attached, and be setback from the building façade a minimum of 2 feet for each foot of height the WTF extends above the building roof, with a minimum setback of 5 feet.
 - (c) Wall mounted WTF shall not extend above the building parapet, and shall be incorporated into design elements of the building to maintain architectural integrity.
 - (d) Deviations from the height and façade setback requirements may be approved when, in the sole discretion of the City Council, the WTF is fully concealed in an aesthetically integrated building component, for example a steeple, parapet extension, chimney, penthouse or similar architectural feature.
 - (e) Roof mounted WTFs shall be exempt from the building height regulations for the underlying zoning district, subject to the approval of the Lake Johanna Fire Department.
- (l) Safety/Environmental Standards
 - (a) Unauthorized Climbing

WTFs shall be designed to prevent unauthorized climbing or entry.
 - (b) Noise

If the proposed WTF includes a back-up generator or otherwise results in significant increased sound levels, sound buffers may be

- required including, but not limited to, baffling, barriers, enclosures, walls, and plantings, so that the WTF is operated in compliance with the requirements specified in Section 209.020, Noise.
- (c) Radio Frequency (RF) Emissions and Interference
WTFs shall comply with Federal Communication Commission standards for RF emissions and interference. WTFs shall be tested for compliance with FCC RF emissions standards after the WTF has been installed.
- (d) Maintenance
All commercial towers or WTFs shall at all times be kept and maintained in good condition, appearance, order, and repair so that the same shall not menace or endanger the life or property of any person.
- (e) Occupational Safety
WTFs shall comply with applicable State of Minnesota and Federal regulations for occupational exposure to non-ionizing radiation.
- (J) Location and Collocation Requirements
Except as herein and after provided, WTFs within the City shall comply with the following collocation requirements:
- (1) Locations are preferred by the City in the following priority:
 - (a) Collocation on existing wireless telecommunications towers;
 - (b) Location on City property in the TOD-1 and TOD-2;
 - (c) Location on existing buildings in the TOD-3;
 - (d) Location on other property in the TOD-1 and TOD-2.
 - (2) All proposed WTFs must be located on an existing structure 55 feet or greater in height located within ½ mile of the site being considered by the applicant.
 - (3) All wireless telecommunication providers shall cooperate with each other in collocating WTFs and shall exercise good faith in collocating with other licensed carriers and in the sharing of sites, including the sharing of technical information to evaluate the cost and feasibility of collocation. In the event that a dispute arises as to a collocation issue, the City may require a third-party technical study to evaluate the feasibility or cost of collocating at the expense of either or both wireless telecommunication providers.
 - (4) All new and replacement wireless telecommunications towers and any pre-existing towers owned by a wireless telecommunication provider shall be made available for use by the owner or initial user thereof,

together with as many other licensed carriers as can be technically located thereon.

- (5) All new or replacement wireless telecommunication towers shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user, except when the applicant demonstrates that a monopole with conforming height is technologically unsuitable for the facilities of a second provider.

(K) Exceptions to Location Requirements

The City may waive any or all of the collocation requirements if it is determined that:

- (1) The planned WTF would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.
- (2) The planned WTF would cause interference materially impacting the usability of other existing or planned WTFs at the structure as documented by a qualified radio frequency engineer selected by the City and the interference cannot be prevented.
- (3) Existing structures within the applicant's search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer selected by the City.

206.060 Accessory Uses

206.061 Accessory Uses – Residential

(A) Accessory Apartment

- (1) A permit shall be required in accordance with Subsection 203.032(A).
- (2) Only one (1) accessory apartment permit may be issued per detached single-family dwelling unit.
- (3) The building and property shall remain in single ownership and title and shall only have one (1) mailing address.
- (4) The owner of the property shall reside either in the principal dwelling unit or the accessory apartment, except for a bona fide temporary absence.
- (5) The accessory apartment shall not be sold independently of the principal dwelling unit and may not be separate tax parcel.

- (6) The minimum living space square footage of an accessory apartment shall be no smaller than 300 square feet. Living space shall include a kitchen or cooking facilities, a bathroom and a living room. Living space square footage shall be exclusive of utility rooms, common hallways, stairways, entryways or garages.
- (7) A minimum of three (3) off-street parking spaces must be provided, two (2) of which must be enclosed.
- (8) The accessory apartment and principal dwelling unit must meet the applicable standards and requirements of the Shoreview's Development Code, Building Code, Ramsey County Health Codes and Fire Codes.
- (9) An accessory apartment that is within or attached to the principal dwelling unit shall also comply with the following standards:
 - (a) The accessory apartment must be clearly a subordinate part of the single-family dwelling unit. The maximum size of the accessory apartment shall be no larger than forty (40) percent of the finished floor area of the principal structure, unless the accessory apartment shall comprise the entire basement of a structure.
 - (b) The principal unit shall have at least 850 square feet of living space remaining after creation of the accessory apartment exclusive of garage area.
 - (c) No front entrances shall be added to the house as a result of the accessory apartment permit.
- (10) Accessory apartments that are located in detached accessory structures shall require a conditional use permit and must comply with the following additional standards:
 - (a) The detached accessory apartment shall be located in the side or rear yard of the property.
 - (b) The minimum setback of the detached accessory apartment shall be the same as a principal dwelling unit.
 - (c) Accessory buildings on corner lots shall be setback the same distance as the principal structure from the street right-of-way.
 - (d) The accessory buildings shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
 - (e) The maximum height of the detached accessory apartment shall not exceed
 - (i) Ten (10) feet for the sidewalls

- (ii) Eighteen (18) feet as measured from the highest roof peak to the lowest finished grade; however, in no case shall the height of the accessory building exceed the height of the dwelling unit.
- (f) An accessory apartment shall count towards the maximum number of accessory structures allowed on a lot and shall meet the size limitations set forth in [Subsection 206.062 \(B\)](#).
- (g) Exterior Design and Construction
 - (i) The exterior design and materials shall be compatible with the principal dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.
 - (ii) Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.
 - (iii) The detached accessory apartment shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.
- (h) The detached accessory apartment requires a building permit and must meet building code.
- (i) A cash escrow may be required to insure the removal of any accessory buildings on the property if said structure must be removed to comply with this Ordinance.

(B) Boarder or Roomer

There shall be no more than two boarders or roomers per household.

(C) Daycare, Family and Group Family

- (1) Use shall comply with all state and local standards.
- (2) The use of any accessory building or accessory structure for child care is not allowed.
- (3) No more than one (1) non-resident, other than members of the family residing on the premises, shall be engaged or employed. This shall not apply to a substitute, non-resident person providing care on the premises while the owner/operator is sick or otherwise unable to provide care.
- (4) Off-street parking shall be provided as follows:
 - (a) Meet the requirements of parking for the dwelling
 - (b) One (1) space per non-resident employee
 - (c) One (1) space for every five (5) children not related to the provider

- (5) Play equipment, swings, sand boxes, or structures shall not be located in front yards or in the required side yard setback area adjacent to a street.
- (6) Any outdoor play area shall be fully enclosed by a fence, wall, or hedge of at least three (3) feet in height.

(D) Detached Accessory Structure on a Riparian Lot

- (1) The structure is in general character with surrounding properties.
- (2) The structure will not cause a traffic sight problem or endanger public health or safety.
- (3) The structure will not encroach upon a public right-of-way, easement or utilities.

(E) Home Occupation

- (1) No signs shall be permitted on or off the premises.
- (2) No outdoor storage or display of materials shall be permitted.
- (3) No home occupation shall have an adverse affect on adjacent properties due to excessive traffic or offensive noise, light, odor, dust or other noxious substances. If the home occupation will require a delivery service, such as UPS, no more than six (6) delivery/pickup trips per week shall be permitted. Delivery vehicles shall not be larger than a typical step van. Customer visitation to the premises of the home occupation shall be by appointment only.
- (4) Adequate off-street parking must be provided for customers and for those who reside on the premises. All required parking spaces shall be located on an asphalt or bituminous surface, which is in character with the surrounding residential neighborhood.
- (5) Employment shall be restricted to persons who reside on the premises.
- (6) If customers will visit the premises, the areas accessible to customers shall comply with all applicable life safety codes.
- (7) The home occupation must be clearly accessory to the principal use of the structure as a dwelling unit.
- (8) There shall be no exterior evidence of the presence of the home occupation on the premises.
- (9) The home occupation shall not occupy more than 20% of the dwelling unit's floor area.

(F) Keeping of Non-Domestic Animals

- (1) The keeping of non-domestic animals is permitted on property containing two (2) or more acres. The City Council may require the owner of non-domestic animals to apply for a Conditional Use Permit if

the Council determines that it is in the best interest of the public's health, safety or general welfare; except the following:

(a) The raising and keeping of not more than four (4) hen chickens or pullets is permitted on property less than two (2) acres provided a license is obtained in accordance with Subsection 601.020(D).

(b) The raising and keeping of honeybee colonies is permitted on properties less than two (2) acres provided a license is obtained in accordance with Subsection 601.020(E).

(2) The keeping of Wild Animals is permitted pursuant to the provisions of Subsection 601.020(B) and provided a license is obtained in accordance with the requirements of that Section.

(G) Portable Storage Unit

Portable storage units are permitted on residential properties with individual driveways in the RE, R1, R1A and R2 zoning districts subject to the following standards:

(1) Placement.

Portable storage units may be placed in any driveway provided it is setback a minimum of 5 feet from a property line, and does not impede traffic visibility and public safety. Portable storage units shall not be placed in any public street. Portable storage units placed in a private roadway shall not impede access by emergency vehicles.

(2) Duration.

A Portable storage unit located is permitted for a period not to exceed thirty (30) calendar days and not more than two (2) times in a calendar year.

(H) Swimming Pools

(1) The following pools shall be meet the regulations set forth herein:

(a) In-ground pools, whether indoor or outdoor.

(b) Above ground pools, except for storable swimming or wading pools having a diameter of eighteen (18) feet or less and a wall height of four (4) feet or less and installed for less than one hundred and eighty (180) days in a calendar year.

(2) Setbacks.

(a) RE, R1, R1A Districts

Pools shall not be located within 10 feet of any side or rear lot line or within 6 feet of any principal structure or frost footing. Pools shall not be located within any front yard or any side yard abutting a street.

(b) R2, R3, R4, MU-N, MU-C, MU-TC Districts

No part of the water surface of the pool shall be less than 50 feet from any lot line. All deck area, adjacent patios, or other similar areas used in conjunction with the pool shall be located at least 30 feet from any lot line. Pools shall not be located within any front yard or any side yard abutting a street.

- (3) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
- (4) Pools shall not be located within any private or public utility, walkway, drainage or other easement.
- (5) In the case of underground pools, the necessary precautions shall be taken during construction to avoid damage, hazards or inconvenience to adjacent or nearby property and assure that proper care shall be taken in stock piling excavating materials to avoid erosion, dust or other infringements upon adjacent property.
- (6) All access for construction shall be over the owner's land, and due care shall be taken to avoid damages to public streets and adjacent private or public property.
- (7) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land.
- (8) Mechanical support equipment shall be located as follows:
 - (a) RE, R1, R1A Districts:
 - (i) Pool filter, pool pump, and pool heating equipment shall be located at least ten (10) feet from a property line.
 - (ii) Pool pumps shall be located at least 30 feet from an adjoining residence, except a separation of as little as 20 feet may be permitted if a sound buffer is provided that complies with the standards contained in the City's noise control regulations.
 - (iii) The noise buffer requirements may be waived by the City Manager or his/her designee where the equipment site adjoins a non-residential land use or a street right-of-way.
 - (iv) Sound buffers shall consist of evergreen plantings, a retaining wall, fence and/or an on-site structure, such as a garage or portion of the dwelling.
 - (b) R2, R3, R4, MU-N, MU-C, and MU-TC Districts

- (i) No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than 50 feet from any lot line.
 - (ii) Adequate screening and landscaping shall be placed between the pool areas and adjacent property.
- (9) Enclosure
All pools shall be enclosed with one of the following:
 - (a) Fencing at least four (4) feet high, but not exceeding six (6) feet high to prevent uncontrolled entrance of all persons. Such fence shall have self-closing and self-latching gates with provisions for locking and shall be completely installed prior to the filling of the pool.
 - (b) An automatic pool cover that meets the American Society of Testing and Materials (ASTM) F1346-91 Standard (2010), as such standards may be modified, superseded, or replaced by ASTM. Such pool cover shall be closed when a responsible person is not present outdoors and within 25 feet of the pool.
- (10) Lighting for the pool shall be directed toward the pool and not toward adjacent property.
- (l) Uses Incidental to a Manufactured Home Park
No mobile home sales lots shall be allowed.

206.062 Accessory Uses – Commercial/Industrial

(A) Cemetery

- (1) Cemeteries shall be accessory to a place of worship.
- (2) Cemeteries shall be no smaller than 1 acre in area and shall not exceed 25% of the total site area.
- (3) Cemeteries shall have access to a collector or arterial roadway as identified in the Comprehensive Plan or shall be otherwise located so that access may be provided without conducting significant traffic on local residential streets.
- (4) Direct views from all adjoining residential parcels shall be screened through a combination of landscaping, berming, and fencing in accordance with [Part 207](#).
- (5) Burial plots, grave markers, monuments, and buildings operated in connection with a cemetery shall meet the building setbacks and structure height requirements of the underlying zoning district.
- (6) Graves and structures used for interment shall be setback 50 feet from wells.

- (7) Cemeteries are prohibited below the regulatory flood protection elevation as defined in Section 202.
- (8) Cemeteries shall comply with all rules and regulations of Federal, State, County, and local agencies.

(B) Outdoor Display Area

- (1) Merchandise which is offered for sale, rental or lease may be displayed within an outside display area through the Site and Building Plan review process. Outside display areas shall be landscaped and provided with trash containers and screening where necessary, and shall be maintained in a clean and attractive manner.
- (2) In the Business Park District seasonal outside display of merchandise is allowed on a seasonal basis if the following conditions are met:
 - (a) The seasonal outside display shall not exceed 750 feet.
 - (b) The seasonal outside display must be screened from view from adjacent properties and arterial roadways. Screening must include an attractive opaque fence and either planters or landscaping.
 - (c) Outside storage of materials or merchandise is not permitted.

(C) Outdoor Storage

Outdoor storage areas shall be screened to minimize the visual impact of the area in accordance with the following requirements:

- (1) The screening materials shall consist of both deciduous and coniferous vegetation species, attractive low or no maintenance fencing with an opaquing material, landscaped berm, brick or masonry wall, or any combination of these items. Fencing and walls shall not exceed eight feet in height. All screening materials shall be maintained so that dust and other wind blown materials that originate on the site remain on the site as far as practical.
- (2) All landscape materials shall comply with the minimum standards set forth in Section 206.010 (Landscape and Screening). The City Forester shall approve the species mix, height, and density of plantings on the basis of year-around screening needs.
- (3) The materials and equipment within outdoor storage facilities and truck terminals that are located adjacent to street or highway right-of-way shall be completely screened from view from the right-of-way. If a fence or wall is use for screening along a right-of-way or private road that serves more than one property, shrubbery and trees shall be planted to enhance the aesthetics of the fence as viewed from the roadway.

- (4) The materials and equipment within an outdoor storage area and truck terminals that are located adjacent to property that is not zoned for Industrial uses shall be completely screened from view from the adjoining non-industrial property.
- (5) Industrial uses requiring bulk exterior storage of hazardous materials will not be allowed on wet or very wet soils, very shallow soils or soils with very high or high permeability areas.
- (6) Trucks and/or trailers used to transport materials and supplies to and from the premises are permitted for a period not to exceed three (3) days. Trucks and/or trailers used for storage purposes are not permitted.

(D) Supporting Commercial Uses

- (1) The supporting commercial use shall be related to the principal use.
- (2) The supporting commercial use shall be housed in the same building as the principal use.
- (3) The supporting commercial use shall not exceed 20 percent of the building's gross floor area.

(E) Urban Container Farming

- (1) Only hydroponics container farming is allowed.
- (2) A conditional use permit shall be obtained.
- (3) Containers designed specifically for agricultural use are to be used only.
- (4) Containers and vestibules must be maintained such that no rust, paint, or mechanical defects are present.
- (5) To be licensed by the state and or the county to conduct sales if applicable.
- (6) One container shall not exceed 544 square feet with attached vestibule. Maximum number of containers permitted is 1.
- (7) Any equipment or supplies needed for farm operations shall be fully enclosed within a building.
- (8) The container shall not be located in a required front yard. Required building setbacks for district shall be maintained. Placement will not interfere with principal use.

206.063 Accessory Uses – Other

(A) Accessory Buildings

- (1) The following standards shall be met for accessory buildings in all districts:
 - (a) The accessory building shall be subordinate to the principal building.

- (b) For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.
- (c) There shall be no more than two detached accessory buildings per lot.
- (d) Location
 - (i) The accessory building shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
 - (ii) No accessory buildings shall be located in the front yard of any lot, except for a riparian lot.
- (e) Setbacks
 - (i) Accessory buildings on corner lots shall be setback the same distance as the principal structure from the street right-of-way.
 - (ii) Greater setbacks may be required to mitigate impacts on adjoining properties.
 - (iii) Setback for accessory building adjacent to an alley
 - i. 20 feet if a garage overhead door faces the alley.
 - ii. 10 feet if a garage overhead door is side loaded and does not face the alley.
 - iii. Location of the accessory buildings shall not interfere with vehicle visibility or traffic movement in the alleyway.
- (f) The accessory building shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
- (g) Height for Detached Accessory Buildings
 - (i) Height of sidewalls cannot exceed 10 feet.
 - (ii) Maximum height: 18 feet as measured from the highest roof peak to the lowest finished grade; however, in no case shall the height of the accessory building exceed the height of the dwelling unit
 - (iii) Storage areas are permitted above the main floor provided they do not exceed an interior height of 6 feet.
- (h) Exterior Design and Construction
 - (i) The exterior design and materials shall be compatible with the dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.
 - (ii) Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth,

plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.

(iii) All accessory buildings shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.

(iv) All accessory buildings shall have a finished flooring system, with the exception of boathouses.

(v) No accessory buildings shall be constructed prior to the construction of a principal structure.

(i) Use

Accessory buildings are to be used for personal use only and no commercial use or commercial related storage is permitted.

(j) Escrow

A cash escrow may be required to insure the removal of any accessory buildings on the property if said structure must be removed to comply with this Ordinance.

(k) Evaluation of Impact

The proposed design, scale, massing, height and other aspects related to the accessory building of any permit requested herein shall be evaluated by the City Manager with respect to the structures and properties in the surrounding area. A building permit may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not reasonably detract from the appearance of the area or city as a whole. Conditions may be attached to the approval of any building permit to ensure that the proposed structure does not have a negative impact on the surrounding areas.

(2) Accessory buildings are subject to the maximum size and setback standards of [Table 206.1](#) below in the RE and R1 districts.

Table 206.1. Accessory Structure Size and Setback Standards.

Lot Area	Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback
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Lot Area	Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback
Less than ½ acre	Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2-car attached)	750 SF or 75% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with 2-car or larger attached garage)	Up to 200 SF.	5 ft.	10 ft.
		A CUP is needed for a structure between 200 SF and 300 SF.	10 ft.	10 ft.
	Combined – attached and detached	1,200 SF or 90% of the dwelling unit foundation area whichever is more restrictive		
½ acre to less than 1 acre	Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2-car attached)	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with 2-car or larger attached garage)	Up to 300 SF	10 ft. 5 ft. if structure is less than 200	10 ft.

Lot Area	Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback
			SF.	
		A CUP is needed for a structure between 300 and 440 SF.	10 ft.	10 ft.
	Combined – attached and detached	1,200 SF or 90% of the dwelling unit foundation area whichever is more restrictive		
1 acre to less than 2 acres	Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2-car attached)	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with 2-car or larger attached garage)	Up to 440 SF.	10 ft. 5 ft. if structure is less than 200 SF.	10 ft.
		A CUP is needed for any structure larger than 440 SF.	10 ft.	10 ft.
	Combined – attached and detached	1,500 SF or 100% of the dwelling unit foundation area whichever is more restrictive		
2 acres or more	Attached	1,000 SF or 80% of the dwelling unit	5 ft.	10 ft.

Lot Area	Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback
		foundation area, whichever is more restrictive		
	Detached (with no attached or less than 2-car attached)	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with 2-car or larger attached garage)	Up to 440 SF	10 ft. 5 ft. if structure is less than 200 SF.	10 ft.
		A CUP is needed for any structure larger than 440 SF.	10 ft.	10 ft.
	Combined – attached and detached	125% of the dwelling unit foundation area		

(3) Accessory buildings are subject to the maximum size and setback standards of [Table 206.2](#) below in the R1A and R2 districts.

Table 206.2. Accessory Structure Size and Setback Standards.

Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback
Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
Detached	750 SF or 75% of the dwelling unit	5 ft.	10 ft.

Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback
	foundation area, whichever is more restrictive		
Detached (with 2-car or larger attached garage)	Up to 200 SF.	5 ft.	10 ft.
Combined – attached and detached	1,200 SF or 90% of the dwelling unit foundation area whichever is more restrictive		

(B) Drive-thru Establishment

- (1) Commercial uses containing drive-thru facilities shall provide a stacking area for vehicles on the site.
 - (a) A minimum of six spaces per lane for stacking is required in addition to the number of required parking spaces.
 - (b) The stacking lane shall be a minimum of twelve (12) feet wide.
 - (c) The vehicle stacking area shall not exceed beyond the street right-of-way line and shall be delineated so that the vehicles waiting in line will not interfere with the primary driving and parking facilities on site.
 - (d) Any pedestrian walkway that is adjacent to or crosses the stacking lane must be marked and clearly indicated with signage or painted crosswalk.
- (2) Drive-thru windows, drop boxes, menu boards, and associated or similar structures shall be located to the rear or side of the principal building, and must incorporate landscape screening, decorative fences, walls, or a combination of these elements to minimize their view from the street.
- (3) Drive-thru lanes should be located away from building entrances and (unless screened) should not be located between a principal building and the street, or if a corner site, all adjacent roadways.
- (4) If the drive-thru facility is adjacent to residential properties:

- (a) The facility shall establish sound barriers and be screened from vehicle lights in stacking areas.
- (b) Systems for placing of orders shall be located and designed so that noise is not perceptible on adjacent residential properties.
- (c) The hours of operation are limited to 6:00am to 10:00pm unless extended by the City Council as part of a conditional use permit.

(C) Freestanding Solar Panel Array

- (1) All freestanding solar panel arrays shall comply with the setback requirements for accessory buildings in the zoning district they are located in.
- (2) Arrays may be placed in the front yard provided there are no other optimal locations on the property for solar access.
- (3) Solar arrays located in the front yard must be setback a minimum of 15-feet from a front property line.

(D) Private Antennas

(1) Permit Requirements

A private antenna/tower permit is required for:

- (a) Any antennas more than 10 feet in height attached to an existing structure except those antennas exempted from local zoning authority by federal regulations.
- (b) Any antenna attached to a free-standing tower of any height.
- (c) Any dish antenna greater than one meter in diameter that does not meet the standards in [Item \(B\)](#) below.

(2) Standards

- (a) All antennas or other devices used for transmitting or receiving signals must comply with Federal Communication Commission procedures to resolve any complaints relating to interference allegedly caused by a private antenna/tower.
- (b) Antennas, except antennas used for amateur or citizen band radio communication:
 - (i) The height is no greater than 10 feet above the roof or more than 40 feet above mean ground level.
 - (ii) A building permit is obtained prior to installation to verify compliance with applicable building, fire, and safety codes.
 - (iii) The ground-level view of the device is screened from contiguous properties and adjacent streets.
- (c) For amateur and citizen band radio facilities.
 - (i) Height

The maximum height for amateur or citizen band radio antennas and/or towers shall not exceed 75 feet. In addition, that portion of any antenna or tower over 55 feet must be retractable to a height no greater than 55 feet.

(ii) Lowering Device

All amateur radio facilities capable of a maximum extended height of more than 55 feet shall be equipped with a mechanical device capable of lowering the facility to the maximum permitted height when not in operation.

(iii) Number Permitted

One amateur radio facility is permitted per property.

(iv) Siting/Setbacks

All amateur radio facilities shall be located in a manner that minimizes the visibility of the facility from nearby properties and adjacent streets. No portion of facility shall be located within a required principal structure setback or in a yard abutting a public right-of-way. In addition, any free-standing tower must be set back at least one foot from adjacent residential units for each foot in height or provide documentation acceptable to the City Planner that all adjacent residential units are outside the tower's fall zone.

(v) Color/Screening

The color of the amateur radio facilities shall blend with the surrounding environment and must be screened with trees and landscaping to the extent possible.

(vi) Deviation from Standards

Deviation from the height and setback standards may be allowed if the applicant can demonstrate that compliance with these standards would unreasonably limit or prevent reception or transmission of signals and a conditional use permit is obtained in addition to the private antenna/tower permit.

(E) Solar Energy System

Solar energy systems are allowed as accessory uses in all zoning classifications provided the following standards are met:

(1) Height

Solar energy 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

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

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-mounted 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.

(4) 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 one (1) foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.

(5) Approved Components

Solar energy system components must have a UL listing.

(6) Compliance with Building Code

All active solar energy systems shall require building permits.

(7) Compliance with State Electric Code

All photovoltaic systems shall comply with the Minnesota State Electric Code.

(8) Utility Notification

No grid-intertie photovoltaic system shall be installed until evidence has been given to the City Manager 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.

(F) Temporary Sales or Events

Temporary sales or events must comply with the following standards:

(1) Health, Safety, and Welfare

The proposed sale or event shall not cause a public nuisance because of noise, air pollution, traffic congestion, or failure to properly maintain the site. Any proposed temporary sale or event shall comply with all relevant building, fire, and safety codes.

(2) Location

Temporary sales or events may be located on land associated with commercial, public, or quasi-public uses. Seasonal residential sales may only be permitted within residential districts.

(3) Duration

Temporary sales by temporary vendors or established merchants may be permitted for up to seven (7) consecutive days. Seasonal residential sales are permitted for up to four (4) consecutive days. Seasonal sales of seasonal merchandise or sales are permitted for up to sixty (60)

days. Carnivals or fairs may be permitted for up to seven (7) consecutive days. These durations should be considered maximums and permits issued may be approved for shorter durations if necessary to protect public health, safety, and welfare. These durations may be extended by action of the City Council after review by the Planning Commission.

- (4) Hours of Operation
Hours of operation for temporary sales and events must be between 7:00 a.m. and 10:00 p.m.
 - (5) Parking and Traffic
Ample parking must be provided on site to accommodate expected visitors. The sale or event shall not cause a traffic hazard.
 - (6) Signage
A maximum of one sign is permitted per temporary event. This sign shall be located on private property (not in the public right-of-way). The sign shall not exceed 32 square feet in area or 6 feet in height. The sign location shall not interfere with intersection sight distances or cause a traffic hazard.
 - (7) Site Maintenance and Restoration
The applicant shall be responsible for maintaining and cleaning the site utilized for the temporary sale or event and restoring it to its original condition. If the City Manager determines that it is necessary, the applicant may be required to post a financial security to ensure site maintenance and/or restoration.
 - (8) A minimum of 3 parking spaces must be provided per 1,000 square feet of production space.
 - (9) No retail sales are permitted onsite.
 - (10) Signs are to be approved with the Conditional Use Permit.
 - (11) The containers shall meet the City's Building Code requirements.
- (G) Wind Energy Conversion System (WECS)
- (1) The height of a WECS shall not exceed the maximum height permitted in the zoning district the WECS is located in.
 - (2) The structure shall not be placed in the front or side yard abutting a street.
 - (3) The WECS shall be:
 - (a) Setback from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;

- (b) Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the twin cities;
 - (c) Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
 - (d) In compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota pollution control agency and the rules and regulations of the federal communications commission and federal aviation administration;
- (4) If the WECS has not been operated for a period of one (1) year or fails to meet the conditions of this ordinance, the City Council may order it dismantled and the site restored to its original condition; and
- (5) If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this ordinance, the City may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The City may sell salvaged and valuable materials at public auction on 10 days' notice.

207 Development & Design Standards

207.010 Purpose

The following development and design standards are established to:

- (A) To mitigate the impacts of development on the natural environment.
- (B) Protect residential properties from excessive noise, illumination, glare, unsightliness, and other objectionable influences.
- (C) Minimize traffic congestion.
- (D) To provide for the regulation of development in sensitive areas so as to minimize the risk of environmental damage
- (E) To protect steep sloped areas from being exposed to erosion and associated problems.
- (F) To ensure that the natural drainage system and flood storage areas are maintained at a scale adequate to serve development conditions.
- (G) To protect and enhance the quality of the City's surface waters and other natural resources
- (H) To protect wetlands from being altered unnecessarily.

207.020 Redevelopment

(A) Redevelopment of properties zoned for non-single family residential uses shall comply with the standards of the zoning district in which the property is located. Flexibility to these standards may be permitted in accordance with the following:

(1) Lot Coverage

If the existing impervious surface coverage on a parcel exceeds the allowable impervious surface coverage for the zoning district in which it is located, existing impervious surface coverage may remain but shall not be increased provided best management practice measures are taken to minimize negative effects on the environment as documented in the current editions of Minnesota Construction Site Erosion and Sediment Control Planning Handbook (MBWSR) and Protecting Water Quality in Urban Areas (MPCA). Existing impervious surface coverage is the impervious surface coverage legally present on or before March 20, 2000 or approved thereafter by the City.

(2) Architectural and Site Design Standards

Minor improvements, building additions, and other modifications to the site will be subject to application of these architectural and site design standards, considering the existing building design and scope of the

proposed alteration. Alternately, a face-lift of a building's exterior is expected to fully conform to the architectural standards. The City may waive specific standards based on the scale of the project while conducting the Site and Building Plan Review.

(B) Redevelopment in the MU-C and MU-TC Districts

The architectural design standards from [Subsection 207.031 \(B\)\(2\)](#) established for the MU-C and MU-TC districts shall not apply to changes of use within existing buildings but shall apply to new development, redevelopment, and building expansions greater than 50 percent of the floor area of an existing building.

207.030 Architectural and Site Design Standards

207.031 Elements of Development Proposals

(A) Architectural and site design elements of development proposals will be reviewed based on the following criteria:

- (1) Consistency with the Comprehensive Plan; the Surface Water Management Plan; and the Municipal Code.
- (2) Use of appropriate exterior materials, lighting, textures, colors, and architectural and landscape forms to create a unified, high-quality design concept for the site that is compatible with adjacent and neighboring structures and functions.
- (3) A unified site design that provides a desirable environment for site users and the community as a whole. A unified site design considers all site elements including: the relationship of buildings to surrounding natural features; day light and solar access; grading; architectural design; building, parking and loading dock orientation; building height, use of manmade materials, including paving; site furnishings (lighting, outdoor seating, signage, etc.); landscaping (retention of natural vegetation, plant selection and placement, retention and incorporation of water features, etc.); and other visible outdoor site elements.
- (4) Creation of a suitable balance between the amount and arrangement of open space, landscaping, and view protection with the design and function of man-made features. Achieving this balance shall take into account screening, buffering, size and orientation of open spaces.
- (5) Provision of safe and adequate access to and from sites giving ample consideration to the location and number of access points from public streets, the safety and convenience of merging and turning movements, and traffic management and mitigation.

- (6) Provision of on-site vehicular, bicycling, and pedestrian circulation by way of interior drives, parking areas, bicycle parking racks, pathways, and walkways adequate to handle anticipated needs and to safely buffer pedestrian and cyclists from motor vehicles.

(B) Architectural Design

- (1) The following architectural design standards shall apply to all zoning districts with the exception of RE, R1, R1A, R2, and R4:

(a) Building Elevations

- (i) All building elevations are subject to public view, and so high quality design and materials shall be used for all building elevations.
- (ii) Exterior walls shall be designed to provide visual interest or relief by using windows, jogs, projections, pilasters, architectural detailing, changes in surface materials, colors, textures, and variation of rooflines for a minimum of 50% of the building elevation. These architectural treatments shall encompass at least 50% of the building wall or elevation.
- (iii) The main entry shall face the front property line, with secondary entrances on the side or rear. The main entry shall be designed with a canopy, portico, arch, display windows, ornamental molding, enhanced landscape or other details to announce the primary focus of the building.
- (iv) All rooftop or ground mounted mechanical equipment and exterior trash and recycling storage areas shall be enclosed with materials compatible with the principal structure. Low profile, self-contained mechanical units, including solar energy panels and rooftop rainwater collection systems, which blend in with the building architecture are exempt from the screening requirement.
- (v) When any non-single-family development is located adjacent to residential or natural areas, a residential scale and appearance is required, including a pitched roof. Alternate designs may be approved through the Site and Building Plan Review process.

(b) Exterior Finish Materials

- (i) Building materials shall be selected for their ability to present a visual statement of a building or structure's strength, attractiveness and permanence. The building materials used shall be harmonious with the surrounding area.

- (ii) Exterior wall finish materials shall include face brick, natural or cut stone, stucco or EIFS, and equivalent materials. Other materials that provide a similar high quality exterior may be approved through the Site and Building Plan Review process.
 - (iii) Prestressed concrete panels, concrete block and unfinished metal shall not be permitted as exterior materials for principal structures and for any accessory buildings. Architecturally enhanced block or concrete panels may be approved through the Site and Building Plan Review process.
 - (iv) Not less than fifteen percent (15%) of any wall elevation surface shall be designed with combinations of accent materials to provide visual interest and architectural detail. Glass, wood, and metal finish materials are suitable for these accents and window finishes.
 - (v) Use of wood the principal exterior finish material is discouraged except when adjacent to residential or natural areas where a residential appearance provides a suitable visual transition.
 - (vi) Roofs, except flat roofs, must be constructed with commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, copper, or similar high quality material. Green roofs may be approved through the Site and Building Plan Review process.
- (c) Canopies and Awnings.
- (i) The design of canopies shall be in keeping with the overall building design in terms of location, size (scale), and color.
 - (ii) No canopies with visible wall hangers shall be permitted.
 - (iii) Signage on canopies may be substituted for allowed building signage and shall be limited to 25 percent of the canopy area. Internally illuminated canopies must be compatible with the overall color scheme of the building. The area of illumination shall be considered signage.
- (2) Architectural Design in Mixed Use Districts
- In addition to what is listed in (1) above, each nonresidential, mixed use or residential building with more than 8 units shall meet the following minimum design standards:
- (a) All new building fronts shall include a minimum of two of the following elements:
 - (i) Architectural detailing, such as cornice, awning, parapet, or columns

- (ii) A visually pleasing primary front entrance that, in addition to doors, shall be accented with a minimum of 150 square feet around the door entrance for single occupancy buildings and a minimum of 300 square feet total for the front of multitenant buildings (this area shall be counted as one element). Entrances shall be clearly articulated and obvious from the street
 - (iii) A combination of horizontal and vertical design features
 - (iv) Irregular building shapes
- (b) Multi-story buildings shall have the ground floor distinguished from the upper floors by having one or more of the following:
- (i) Awning
 - (ii) Trellis
 - (iii) Arcade
 - (iv) Window lintels
 - (v) Intermediate cornice line
 - (vi) Brick detailing such as quoins or corbels
- (c) Any exterior building wall adjacent to or visible from a public street, public open space, or private street may not exceed 50 in length without significant visual relief consisting of one of the following:
- (i) The facade shall be divided architecturally by means of significantly different materials or textures
 - (ii) Horizontal offsets of at least four feet in depth
 - (iii) Vertical offsets in the roofline of at least four feet
 - (iv) Fenestration at the first floor level that is recessed horizontally at least one foot into the facade.
- (d) Façade Transparency
- (i) Facades of mixed use or non-residential buildings facing a street or public open space shall have a minimum of 60% transparency on the ground floor and a minimum of 20% transparency on any upper floors.
 - (ii) Facades of residential buildings facing a street or public open space shall have a minimum of 20% transparency on all floors.
- (C) Refuse.
- (1) All waste material, debris, refuse and garbage shall be properly contained in a closed container designed for such purposes.
 - (2) Except for in the Industrial and Tower Districts, trash, recyclable materials and associated handling equipment must be stored within the principal structure or in a dumpster enclosure, attached or separate

from the principal structure constructed of building materials compatible with the principal structure.

- (3) In the Industrial and Tower Districts, the location and screening of trash, recyclable materials and associated handling equipment storage must be approved as part of the site and building review process. Acceptable locations include within the principal structure; in a dumpster enclosure attached or separate from the principal structure constructed of building materials compatible with the principal structure; or in a screened or fenced area of the site.
- (4) Refuse enclosures shall be sized to accommodate both refuse and recycling containers and will be reviewed through the Site and Building Plan review process.

(D) Sustainable Design

The City encourages development that uses a whole-system approach, applying concepts of building and site design to preserve local and national resources. Effective use of resources may reduce operating costs for the developer, while reducing environmental and public health impacts. LEED, MnGreenStar, EnergyStar and other certifications are based on:

(1) Energy efficiency

Includes design elements of the building envelope, lighting, appliances and heating and cooling systems that contribute to environmental goals. Alternate energy sources, including solar and geothermal can provide renewable energy generation.

(2) Resource efficiency (including durability)

Choosing durable building materials that balance impacts from manufacturing with transportation and end-of-life considerations.

(3) Indoor environmental quality

Indoor comfort not only ensures proper ventilation, heating and cooling, but considers emissions from materials used inside a building.

(4) Water conservation

Low-flow plumbing fixtures, rainwater collection and infiltration, and drought tolerant landscapes help to conserve water.

207.032 Energy Use

(A) Energy Efficiency

Builders and developers have the responsibility of designing and constructing new buildings which are energy efficient. They should

demonstrate their programs for incorporating active and passive solar energy systems in new buildings, installing energy-efficient appliances and lighting systems, and using exterior landscaping to reduce the energy demands of new construction.

(B) Solar Orientation and Access

- (1) All new subdivisions and planned unit developments are encouraged to be designed to accommodate the present or future use of passive and active solar energy systems with special attention given to street, lot, and building orientations.
- (2) All new buildings are encouraged to be designed and fitted to permit the addition or conversion of the hot water heating system to solar energy.

207.040 Fencing, Screening, and Landscaping

207.041 General Standards

(A) Minimum Open Space

In any event, all developed uses shall provide not less than 15% of the lot as open space. The City Council may require additional landscaping as necessary.

(B) Traffic Visibility

On any corner lot or driveway entrance onto a public street, no wall, fence or other structures shall be erected or altered, and no hedge, tree, shrub or growth shall be maintained which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, no such structure, planting or grade elevation interfering with traffic visibility shall be permitted within 15 feet of any intersecting street right of way lines.

207.042 Fencing

(A) General

(1) Location

- (a) Fences shall not be placed closer than 3 feet from any public right-of-way or easement or the specified zoning district street yard setback, whichever is less.
- (b) All fences located within rear or interior side yards may be placed up to the lot line.
- (c) All boundary line fences shall be located entirely upon the private property of the person, firm or corporation constructing, or causing the construction of such fence, unless the owner of the adjoining

property agrees, in writing that such fence may be erected on the division line of the respective properties. The City Manager may require the owner of property upon which a fence now exists, or is to be located, to establish lot lines upon said property by the placement of permanent stakes located by a licensed surveyor or engineer.

(2) Construction and Maintenance

- (a) Every fence shall be constructed in a substantial professional manner and shall be constructed of a substantial material reasonably suited to the purpose for which the fence is proposed to be used.
- (b) Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to deteriorate into disrepair or into a dangerous condition, or constitute a nuisance, either public or private.

(3) Fencing Material

- (a) The framing structure of fences shall be placed on the owner's side of the fence or equally distributed on both sides. Fencing material may consist of dimensional, solid sawn, decay resistant lumber; chain link fencing material with corrosion protection; wrought iron, or vinyl. Other materials may be permitted subject to the approval of the City Planner.
- (b) It shall be unlawful for any person, firm or corporation to construct and maintain or allowed to be constructed or maintained upon any property, any fence of metal construction, or otherwise, which is charged or connected with electrical current in such a manner as to transmit said current to persons, animals or things which intentionally or unintentionally may come in contact with the same.
- (c) Barbed wire fences are prohibited and shall not be constructed or maintained.
- (d) Fences in Industrial Districts which are primarily erected as a security measure may have areas projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground. Such fences shall not be erected within the landscaped portion of the front yard of any industrial establishment.

(B) Fence Height

- (1) In no case shall the combined height of any fence and berm exceed the maximum fence height permitted by more than one (1) foot.
- (2) Fencing Along Arterial Roadways
 - (a) On through or double frontage lots where the rear yard abuts an arterial roadway or alley, fences are permitted provided they do not exceed six (6) feet in height.
 - (b) On a corner lot, the area on the arterial street side of the solid wall or privacy fence shall be landscaped in accordance with [Subsection 207.043\(B\)](#) Planting Strips of this Development Ordinance. The width of the planting strip shall be at least ten (10) feet.
- (3) Fencing Along Unimproved Platted Right-of-Way
 - (a) A fence not exceeding six (6) feet in height may be located along an unimproved platted right-of-way.
 - (b) Any fence along an unimproved platted right-of-way shall be located at least five (5) feet from the property line.
- (4) Residential Districts
 - (a) Fences shall not exceed a height of four (4) feet in that portion of any street yard between the street property line and the front plane of the home. The front plane of the home shall be that wall which makes up a majority of the front face of the home.
 - (b) For the purposes of corner lots when a side yard abuts a street, fences shall not exceed six (6) feet in height beginning at the back plane of the home and extending to the rear lot line.
 - (c) On corner lots, fences within a side and rear yard abutting a non-arterial street shall:
 - (i) Not exceed four (4) feet in height if within 20 feet of the street property line.
 - (ii) Not exceed six (6) feet in height if located more than 20 feet from the street property line.
 - (d) Fences in an interior side or rear yard shall not exceed six (6) feet in height.



(5) Non-Residential Districts

- (a) Fence heights for street yard(s) in all non-residential zoning districts shall not exceed 4-feet in height.
- (b) Fences located in the rear or side yards of any property within the C1, C2, OFC, or BPK districts shall not exceed six (6) feet in height.
- (c) Fences erected to a maximum of eight (8) feet in height may be allowed in the C1, C2, OFC, BPK, and I districts with Site and Building Plan Review approval.
- (d) Fences erected along a property line in common with a Residential district shall be subject to the fencing provisions required for Non-Residential districts.

207.043 Screening

- (A) Screening shall consist of earth mounds, walls, fences and plant materials. Such things as loading docks, parking areas, drive-up facilities, and

outdoor storage shall be screened to a height and depth consistent with the size and extent of the visual degradation.

- (1) Non-residential visitor and employee parking areas shall be set back at least 20 feet from all dedicated ROW and any abutting residential district. Land within the required setback from abutting residential districts shall be heavily landscaped and may include earthen berms.
- (2) A landscaped 75-foot setback is required between industrial uses and any abutting residential district.

(B) Planting Strips

Planting strips shall be placed along highways and railroad lines to screen the view and to reduce noise levels in residential areas.

(C) Mechanical Equipment Screening

The ground level view of all mechanical utilities shall be completely screened from contiguous properties and adjacent streets.

207.044 Landscaping

(A) Minimum Landscaping

Landscaping will be required for development, and shall meet the following requirements:

- (1) Trees used in reforestation or landscaping must be compatible with the local landscape and conditions, and not presently under disease epidemic.
- (2) In all Office, Commercial, Industrial and Multiple Family Housing Districts, all developed uses shall provide a landscaped yard along all streets. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot. Such yard shall have a depth of at least 20 feet.
- (3) In Mixed Use Districts, all buildings shall have foundation plantings every ten (10) feet on building sides facing a public street or a linear open space corridor connected via sidewalk.
- (4) Landscaping standards for parking and driveway areas are listed in [Section 207.062](#) Design and Maintenance.

(B) Landscaping Plans

A landscape plan is required for all new development, including single-family plats. Minor subdivisions shall be exempt from this requirement.

(C) Abutting Districts

Where non-residential and multi-family residential uses abut land within the RE, R1, R1A, or R2 districts, the former shall provide a 20 foot landscaped area on the abutting side.

(D) Landscape Materials

- (1) Landscape materials to be planted as part of a required landscaping plan shall comply with the following minimum standards:
 - (a) All trees, shrubs, and ground covers to be transported to the site shall be nursery grown.
 - (b) Deciduous shade trees shall be balled and burlapped and have a trunk diameter of at least 2 1/2 inches measured one foot above the ground when planted.
 - (c) Coniferous trees shall be balled and burlapped and be at least six feet tall when planted.
 - (d) Deciduous ornamental trees shall be balled and burlapped and have a trunk diameter of at least 1 3/4 inches measured one foot above the ground when planted.
 - (e) Shrubbery shall be at least 2 1/2 feet tall when planted, unless numerous shrubs are proposed in a planting bed, in which case, the average plant height shall be at least 1 1/2 feet.
- (2) Areas proposed for turf grass shall be sodded, except disturbed areas located adjacent to wetlands, or areas that are part of future development phases may be seeded. All areas to be sodded or seeded shall first have at least four (4) inches of topsoil uniformly added on the site.
- (3) Raingardens, or other methods to increase infiltration of stormwater, are strongly encouraged and may be required by the appropriate watershed district.
- (4) Native plants and grasses, indigenous to Minnesota, may be planted on any parcel and incorporated into landscape plans provided said plant materials do not pose a traffic visibility issue.
- (5) Pollinator friendly landscapes shall be incorporated into landscape plans for new development and redevelopment projects that consist of commercial, business, industrial, multifamily and mixed use developments.
- (6) All single-family detached homes shall be constructed with at least one (1) exterior water spigot per 2,000 square feet of building foundation or an automatic irrigation system to ensure that landscape maintenance can be accomplished. All non-residential developments and residential

developments excluding single-family detached homes shall be required to install and maintain an automatic irrigation system.

(7) Shoreland Management District

Landscaping within the shoreland impact zone is permitted in accordance with Subsection 205.053(H).

207.045 Vegetation and Woodlands

(A) Preservation

Vegetation shall be left intact to the maximum extent possible to retard surface run-off and soil erosion, to utilize excess nutrients, and to conserve nutrients in the soil and to preserve shoreland aesthetics.

(B) Removal

The removal of vegetation shall be controlled in accordance with the following criteria:

(1) All Properties

- (a) Vegetation shall be restored during and after all construction projects that require a building permit to retard surface runoff and soil erosion in accordance with Section 209.040(D), Soil Stabilization.
- (b) Development shall be conducted so that the maximum number of trees, in particular landmark trees, are preserved by the clustering of structures in existing cleared areas and natural clearings, and the utilization of other site design techniques. Design of the site and construction activities shall be conducted in a manner to avoid likely injury to Landmark Trees.
- (c) The developer shall remove seriously damaged, diseased or dead trees. A management plan is required for the removal of diseased trees and subject to City approval.

(2) New Development and Redevelopment

All private-sector development proposals that involve the construction of a public street or private road and for all new non-single dwelling developments:

(a) The Tree Preservation Plan

A tree preservation plan shall be submitted. This plan shall identify the trees to be preserved on the site and the methods to be employed to insure that the identified trees are not damaged during construction. These methods must be acceptable to the City.

(b) A Tree Replanting Plan, acceptable to the City, shall be submitted.

- (i) This plan shall provide for at least a one-for-one replacement, up to a maximum of 15 trees per acre, for any healthy tree(s) in excess of 4 inches in diameter, except the replacement threshold for boxelder, cottonwood, and willow trees shall be eight inches of diameter and except as required elsewhere in this Section for landmark trees.
 - (ii) The replacement trees shall comply with the standards in Section 206.010(J).
 - (iii) Trees preserved on the site shall count toward the 15 trees per acre maximum replacement requirement, except any trees required to be replaced to compensate for the removal of a landmark tree ([Item \(c\)](#) below) shall be in addition to the requirements of this section.
- (c) Landmark Trees.
- (i) Landmark Trees Not Located Within a Shore or Bluff Impact Zone
Landmark trees shall not be removed unless authorized by the City. Such authorization shall not be granted unless:
 - i. A finding is made that the presence of the tree(s) unreasonably inhibits practical use of a property, the tree(s) is diseased, or it presents a public safety hazard.
 - ii. A responsible party (property owner, developer, or city in the case of a public improvement, etc.) agrees to plant six (6) trees of a species and location acceptable to the City for each healthy landmark tree removed. The size of the new trees shall comply with the standards set forth in the [Subsection 207.044\(D\)](#) for new construction. If space is not available on the development site, the replacement trees shall be planted elsewhere in the community, as is acceptable to the City Council.
 - (ii) Landmark Trees Located Within a Shore or Bluff Impact Zone
See [Subsection 205.053\(H\)](#).
- (3) Single Family Residential
- Single family residential development is defined in Part 207 as any activity that requires a building permit or land use approval including but not limited to variance, conditional use permit, subdivision, or rezoning.
- (a) Landmark Trees Not Located within a Shore or Bluff Impact Zone
Landmark trees shall not be removed unless authorized by the City

as part of a building permit or other City permit. Such authorization shall not be granted unless:

- (i) A finding is made that the presence of the tree(s) unreasonably inhibits practical use of a property, the tree(s) is diseased, or it presents a public safety hazard.
- (ii) A responsible party (property owner, developer, or city in the case of a public improvement, etc.) agrees to replace each healthy landmark tree removed with trees of a species and location acceptable to the City at the ratio below. The size of the new trees shall comply with the standards set forth in [Subsection 207.044\(D\)](#) for new construction. If space is not available on the development site, the replacement trees shall be planted elsewhere in the community, as is acceptable to the City Council.
- (iii) **Table 207.1** Replacement Trees

Lot Area	Replacement Trees (Replacement/Landmark)
Less than 20,000 SF	1:1
20,001 to 40,000 SF	2:1
40,001 and more	3:1

(b) Landmark Trees Located Within a Shore or Bluff Impact Zone

See [Subsection 205.053\(H\)](#).

(4) Shoreland Management

In addition to the regulations stated in this Section, development activities on riparian lots having frontage on Minnesota Department of Natural Resources (DNR) classified protected waters are subject to the provisions of [Section 205.053](#) (Shoreland Management Overlay District).

(5) Public Improvement Projects

For public street reconstruction and other public improvement projects, the following tree replacement standards shall apply:

- (a) A minimum of one-for-one replacement for any tree in excess of 4 inches of diameter that is to be removed as a result of the construction activity.
- (b) The replacement tree species, size, and location shall be negotiated between the City and the property owner.

(6) Aquatic Vegetation

- (a) Vegetation located at or below the OHW elevation of a protected water shall not be removed unless a permit is obtained from the Department of Natural Resources.
- (b) Vegetation located at or below the Regional Flood elevation for a wetland shall not be removed unless permission is granted by the appropriate watershed district or the Minnesota Department of Natural Resources (DNR).

(7) Public Drainage Easements

No person shall remove, cut, trim, or otherwise disturb terrestrial vegetation located within a drainage easement which adjoins a wetland unless authorized by the City Manager or his/her designee..

(C) Shade Tree Management

(1) Declaration of Policy and Intent

(a) Policy

The City Council has determined that the health of shade trees within the City is threatened by fatal tree diseases and Plant Pests such as Dutch Elm and Oak Wilt diseases, the Emerald Ash Borer, and other invasive species or forest pests. It has further determined that the loss of shade trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the City Council to control and prevent the spread of these diseases and other epidemic diseases or Plant Pests of shade trees, and this ordinance is enacted for that purpose.

(b) Intent

It is the intent of the City Council to implement a local pest control program, a shade tree disease control program, and to cooperate with the Commissioners of the Department of Natural Resources and Agriculture in accordance with [Minnesota Statutes, Sections 18G, 89.001, 89.01](#) and [89.51-.64](#). The City Manager shall act as coordinator between the Commissioner of Agriculture and Natural Resources and the City Council in the conduct of these programs.

(2) Inspection and Investigation

(a) Inspection

The City Manager shall inspect public and private yards which might harbor Plant Pests, as defined in [Minnesota Statutes Section 18G.02, Subd. 24](#), as hereafter amended, to determine whether a public

nuisance exists thereon. He/she shall investigate all reported incidents of infection or infestation by the Dutch Elm fungus, elm bark beetles, Oak Wilt fungus, Bur Oak Blight, Emerald Ash Borer, or any other epidemic plant diseases or Plant Pests of shade trees.

(b) Entry on Public and Private Yards

The City Manager may enter upon all public and private yards at any reasonable time for the purpose of carrying out any of the duties assigned herein. The term "private yard" means yards, as defined herein, and does not include the interior of any structure.

(c) Diagnosis

The City Manager shall identify diseased trees in a manner consistent with Minnesota Department of Agriculture and Natural Resources guidelines, including but not limited to visual inspection, branch removal, bark shaving, and any other acceptable diagnosis methods. Laboratory confirmation by the Minnesota Department of Agriculture or other relevant state agency will be used when it is deemed necessary by the City Manager.

(3) Shade Tree Nuisance Declared

All trees, firewood, or stumps with or without bark intact that are infected or infested by a shade tree disease or Plant Pest on public or private land.

(4) Transporting Diseased Wood

Loads must be properly secured so that twigs, branches and other debris are not lost while in route.

(a) The transportation of diseased trees and firewood as defined under this chapter shall be confined in accordance with the rules, regulations, or quarantine area(s) defined or identified by the Minnesota Department of Agriculture and Natural Resources.

(b) Disposal of all wood from diseased trees shall be in accordance with the rules and regulations defined or identified by the Minnesota Department of Agriculture and Natural Resources.

(5) Interference Prohibited

No person shall prevent, delay or interfere with the City Manager or his/her designee while they are engaged in the performance of duties set forth in this chapter.

(D) Nutrient Management

(1) Purpose

The City has conducted studies and has reviewed existing data to determine the current and projected water quality of various lakes within its community. The data indicates that lake water quality may be maintained and improved if the City is able to regulate the amount of lawn fertilizer and other nutrients entering the lakes as a result of storm water runoff or other causes. The purpose of this ordinance is to define regulations which will aid the City in maintaining and improving lake resources which are enjoyed by its residents and other users.

(2) Unimproved Land Areas

Except for driveways, sidewalks, patios, areas occupied by structures, or areas which have been improved by landscaping, all land areas shall be covered by plants, vegetative growth or mulch. The use of mulch is limited to 60% of the pervious land area.

(3) General Regulations

(a) Time of Application

Lawn fertilizer applications shall not be applied when the ground is frozen or between November 15 and April 15 of the succeeding year.

(b) Fertilizer Content

No person, firm, corporation or franchise, shall apply fertilizer within the City of Shoreview which contains phosphorus.

(c) Impervious Surfaces and Drainage Ways

(i) No person shall apply fertilizer to impervious surfaces, or to the areas within drainage ditches or waterways.

(ii) Property owners shall not deposit leaves or other vegetative materials on impervious surfaces or within storm water drainage systems or natural drainage ways

(d) Buffer Zone

Fertilizer applications shall not be made within 16.5 feet of any wetland or water resource.

(e) Waterfowl

No person shall place feed for waterfowl on, in or within 50 feet of a wetland, pond, lake or water resource.

(4) Exemptions

(a) Newly established turf areas shall not be limited by this ordinance on the quantity of phosphorus for the first growing season.

(b) The use of phosphorus on golf courses is permitted under the direction of an applicator certified by an organization approved by the Commissioner of Agriculture.

(c) These exemptions are subject to the recommended rates established by the University of Minnesota and the Commissioner of Agriculture.

(E) Pesticide Application

All commercial or noncommercial applicators who apply pesticides to turf areas must post or affix warning signs to the property where the pesticides are applied. The warning signs shall comply with the following criteria and contain the following information:

- (1) The warning signs must project at least 18 inches above the top of the grass line. The warning signs must be of a material that is rain resistant for at least a 48-hour period and must remain in place up to 48 hours from the time of initial application.
- (2) The following information must be printed on the warning signs in contrasting colors and capitalized letters measuring at least 1/2 inch, or in another format approved by the Minnesota Commissioner of Agriculture. The signs must provide the following information:
 - (a) The name of the business, entity, or person applying the pesticide; and
 - (b) The following language: "This area chemically treated. Keep children and pets off until (date of safe entry)" or a universally accepted symbol and text approved by the Minnesota Commissioner of Agriculture as recognized as having the same meaning or intent. The warning signs may include the name of the pesticide used.
- (3) The warning signs must be posted on a lawn or yard between two feet and five feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds or other similar recreational property, the warning signs must be posted immediately adjacent to areas within the property where pesticides have been applied or at or near the entrances to the property.
- (4) The use of neonicotinoids in pest management is strongly discouraged because of the negative impact this chemical insecticide has on pollinators.

207.050 Lighting Standards

207.051 General

(A) In all commercial, business park, industrial, multi-family, or mixed use zoning districts, any lighting used to illuminate off-street parking and driving areas, signs, or structures shall consist of downcast style fixtures

with a fully shielded and full cutoff light source to prevent glare or spill to adjacent right-of-way or properties.

- (B) To minimize the amount of harmful blue light in the nighttime environment, lamps (bulbs) shall not exceed a maximum Correlated Color Temperature (CCT) of 3,000 Kelvin as listed on the packaging (5,700 Kelvin for recreational lighting).
- (C) Pole-mounted lighting in all zoning districts shall not have pole heights exceeding twenty (20) feet. Pole heights exceeding twenty (20) feet for larger commercial or industrial parking areas (exceeding one hundred twenty (120) parking stalls or sites with developed area greater than 2.5 acres), or outdoor recreational facilities in all zoning districts may be considered with review and issuance of a Conditional Use Permit. The City may limit the hours of operation of outdoor lighting if it is deemed necessary by the City to reduce impacts on the surrounding neighborhood.
- (D) In all districts, any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to reflect light away from any adjoining residential zone or from the public streets.
- (E) Direct or sky- reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, shall not be directed into any adjoining property. Base incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. The use of pedestrian style light poles, with a maximum 18 foot height, is encouraged.
- (F) Illumination of outdoor recreation facilities, whether public or private is prohibited after 11:00 pm.
- (G) Foot Candle Limit –
No light or combination of lights which cast light upon a public street shall exceed 1 foot candle meter reading as measured from the centerline of the street nor shall any light or combination of lights cast light upon residentially zoned property exceeding 0.4 foot candle meter reading as measured at the receiving residential lot line.
- (H) Method of Measuring Footcandles
The foot candle level of a light source shall be taken after dark with the light meter held 6 inches above ground directed towards the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the foot candle level.

207.060 Parking

207.061 General Provisions

The City requires off-street parking facilities to meet the parking needs of residents and businesses since City streets are designed to accommodate traffic movement. Parking regulations are intended to balance the need for off-street parking with regulations that address the aesthetic and environmental impacts of the resulting areas of impervious surface. Property owners and developers are encouraged to identify realistic parking needs for their property, install parking areas to meet anticipated demand, and show proof of parking to comply with City minimum parking requirements.

207.062 Design & Maintenance

(A) Landscaping

- (1) Landscaping shall be required along the perimeter and within the interior of the lot for all new, redevelopment, or retrofit projects. No additional landscaping shall be required for striping or restriping of existing parking lots.
 - (a) New parking and driveway areas that accommodate more than 20 cars, and parking lot expansions that add more than 20 parking spaces, shall be landscaped along the perimeter and within the interior of the lot. A minimum area equal to twenty percent (20%) of the parking and driveway surface area shall be designed with either landscaping islands or divider medians between opposing rows of parking.
 - (b) For redevelopment or retrofit projects with fewer than 20 new parking spaces, a minimum of 10 percent of the parking and driveway surface area shall be designed with landscaping features. Landscaping features may include linear parking lot landscaped islands, divider medians, parking lot rain gardens, and depressed infiltration curb islands. Where the City determines that the parking lot design cannot reasonably accommodate curb islands, divider medians, or other landscaping features or cannot accommodate that amount of landscaping cited herein, plant materials shall be moved to the outside perimeter of the parking lot.
- (2) Any landscape island shall not be less than 324 square feet in area and be sized and designed to support plant health. It is strongly encouraged to use these areas for infiltration purposes.

- (3) Any divider median shall be at least 8 feet in width and extend the full length of the parking stalls. The divider median shall be covered in grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.
 - (4) Shade trees shall be used for the perimeter of the parking area, landscape islands, and divider medians at a minimum rate of one shade tree per 10 parking stalls. Shade trees shall be setback a minimum of 8 feet from curbs and/or pavement when located on the perimeter of the parking area. Trees shall be centrally located within a landscape island or divider median.
 - (5) The area designed with landscape islands and/or divider medians may be proportionately reduced to not less than 10% when the development includes:
 - (a) Stormwater management principally designed for stormwater infiltration;
 - (b) Sustainable building design elements and practices, per [Subsection 207.031\(D\)](#);
 - (c) Shared parking, as described in [Subsection 207.064\(C\)](#), provided the property owners enter into and execute a joint parking agreement and a maintenance agreement;
 - (d) Transportation demand management, as described in [Subsection 207.064\(E\)](#);
 - (e) Site landscaping that is designed to reduce the visual impact of the developed portions of the site, especially the building and parking area.
 - (6) Modifications from the requirements of **this Section** may be permitted through the Site and Building Plan review process.
 - (7) In Mixed Use Districts, parking areas shall be screened from public or internal streets, sidewalks, and paths with a wall, fence, or hedge that is not less than 50 percent opaque on a year-round basis and has a height of between 36 and 48 inches.
- (B) Setbacks
- The minimum setback from a property line for a parking lot, including driveways shall be as follows:
- (1) From interior side and rear property lines: Five (5) feet. This setback may be reduced to zero feet if the parking and driveway area is shared providing access to uses on two or more parcels.

- (2) From any street right-of-way, front property line, and when a landscaped buffer is required per [Subsection 207.044\(C\)](#) for property planned for residential use: Twenty (20) feet, except as otherwise provided.
- (3) In residential districts, those homes which only have a single stall garage with no room to expand the garage to the side property line are allowed to go two feet from the property line in the front plane of the garage. The two foot buffer should be natural grass or landscaping not rock or gravel.

(C) Surfaces

Those parking areas designed to meet the minimum parking ratio requirement shall be surfaced with asphalt, concrete or other material as approved by the City Manager and graded to dispose of all surface water. Concrete curbing and gutters are required in Commercial and Industrial Districts unless another form is permitted for stormwater management and infiltration purposes through the Site and Building Plan Review process.

(1) In the RE, R1, R1A, and R2 Districts:

- (a) Driveways shall be surfaced with asphalt, concrete, or brick pavers rated for vehicular loads, except as otherwise permitted.
- (b) Pervious concrete or asphalt materials may be approved, subject to the property owner entering into a Maintenance Agreement with the City.
- (c) When the principal structure is setback more than 75 feet from the front lot line, alternate surface materials may be allowed, subject to approval by the Public Works Director. In such instances, concrete or asphalt surface materials shall be used from the street and extending into the property a minimum of 20-feet from the front property line.

(2) In all other Districts, the use of pervious pavement materials for parking areas is encouraged. If pervious pavement is used:

- (a) The pervious pavement design and soil conditions will be used to determine the area that will be included in impervious surface coverage calculations. However, in no event will the open landscaped area be less than 15% of lot area.
- (b) The property owner and developer shall enter into a Maintenance Agreement with the City.

(D) Parking Location

Off-street parking shall be on the same site as the structure it is intended to serve unless otherwise permitted and shall not occupy the required 20 feet front yard landscaped area.

(E) Aisles

Aisles shall be a minimum of 14 feet wide for 45 degree parking, 18 feet wide for 60 degree parking and 24 feet wide for 90 degree parking.

(F) Spaces

Each space shall be a minimum of 9 feet wide, 18 feet long and so designed to allow the exit of the car therein without first moving another car. Subcompact parking spaces may account for up to 20% of the total parking area required. They shall be 8 feet wide and 18 feet long, and must be grouped and signed appropriately.

(G) Shared Driveways

Shared driveways connecting two or more uses on separate properties are permitted provided the property owners enter into and execute a joint parking agreement and maintenance agreement.

207.063 Minimum Parking Requirements

The following is a summary of the minimum parking requirements in addition to the standards listed for each zoning district. When a parking requirement is listed by use as well as by district, the use requirement shall apply. Parking uses not specifically noted shall be as approved by the City Council following review by the Planning Commission.

(A) Table 207.2. Parking Requirements by Zoning District

ZONING DISTRICT	PARKING SPACE REQUIREMENT
RE and R1 districts	
Residential	2 enclosed spaces per dwelling unit
Community-based residential facilities and licensed day care facilities	1 off-street space per staff member on maximum shift
R1A and R2 districts	
Residential	2 spaces per unit, 1 of which is enclosed
Guest parking	0.25 space per unit
R3 district	
Residential	0.75 space per studio unit 1 space per 1 bedroom unit 2 spaces for 2+ bedroom unit

Guest parking	0.25 space per unit
R4 district	
Residential	1.5 spaces per unit
Guest parking	0.25 space per unit
C1 and C2 districts	1 space per 300 square feet
OFC district	1 space per 250 square feet
BPK and I districts	
Warehousing	1 space per 2,000 square feet
Office areas	1 space per 250 square feet
Production, manufacturing, research, testing, laboratories	1 space per 500 square feet
MU-N, MU-C, and MU-TC districts	
Residential	1 space per bedroom
Commercial	1 space per 300 square feet

(B) Table 207.3. Parking Requirements by Use

Use	Parking Requirement
Residential	
Assisted living facility	1 space per 5 beds
Long-term or transitional care facility	1 space per 6 beds, plus 1 space per employee on the maximum work shift
Independent senior living	0.5 space per bedroom
Residential care, licensed	2 spaces per dwelling unit, plus 1 space per employee on the maximum work shift
Hotel	1 space per unit plus 1 per employee on maximum work shift
Public, Social, or Health Care	
Daycare center	1 space per employee on the maximum work shift, plus 1 off-street loading space per 6 students
Health services	1 space per 200 feet
Public assembly use	1 space per 4 persons of the maximum occupancy
Funeral home or mortuary	20 spaces per chapel or parlor, plus 1 space for each company vehicle maintained on-site. Adequate stacking space shall also be provided.

School	1 space per 5 students plus 1 space per classroom
Commercial	
Automobile fueling station	1 space per pump plus 1 space per employee on the maximum work shift. Parking for associated retail uses shall be required at a rate of 1 space per 300 square feet of floor area. Parking areas at pump islands may be counted as parking spaces.
Car wash	5 stacking spaces per bay plus 1 space per employee
Automobile repair or body shop	1 space per employee on the maximum work shift plus 5 spaces per service stall
Restaurant	1 space per 4 seats provided for patron use
Automobile sales, leasing, and rental	1 space per 500 square feet of showroom plus 1 space for each 3,000 square feet of outdoor sales lot
Industrial	
Brewery, winery, distillery	1.5 spaces per every 2 employees on the maximum work shift
Taproom	1 space per 4 seats provided for patron use
Self-service storage facility	2 spaces per employee on the maximum work shift plus 1 space per 6,000 square feet of indoor storage area
Recreation	
Commercial recreation, outdoor	1 space per 4 persons of the maximum capacity or 1.25 spaces per athlete, whichever is greater, plus 1 space per every 2 employees on the maximum work shift. Parking spaces for any commercial area as part of a recreational facility shall be provided at a rate of 1 per 300 square feet of floor area
Commercial recreation, indoor	10 spaces plus 1 per 300 SF floor area

Public recreation facility	The lesser of 1 space per 4 persons of the maximum building occupancy, or 1.25 spaces per athlete
Transportation	
Ambulance or medical carrier service	1 space per every 2 employees on the maximum work shift

207.064 Exceptions to the Minimum Parking Requirements

The number of parking stalls constructed may be reduced to a number less than the minimum requirement if one of the following parking management techniques is implemented. The site shall be designed, however, with proof of parking to accommodate the minimum number of stalls required by this ordinance.

(A) Parking Demand

Less than the minimum required is encouraged, provided it is based on a demonstration that the proposed use/s have parking demand and need less than the minimum number of stalls required by this ordinance. The site shall be designed, however, with proof of parking to accommodate the minimum number of stalls required by this ordinance.

(B) Proof of Parking

When the required off-street parking is 20 or more spaces, the property owner is only required to pave and stripe 75% of the required parking spaces if the following conditions are met:

- (1) A parking plan draw to scale for the lot is submitted to the City and the plan indicates that the site complies with the total parking requirements listed in this Section and the parking lot is designed to the standards required by this Section.
- (2) The portion of the site which is not paved and is capable of containing the amount of parking equal to the difference between the total amount of required parking and the amount of parking required to be paved (known as the proof of parking area) is suitably landscaped and curbed to meet the requirements of this Section.
- (3) The proof of parking area shall be clearly delineated on the parking plan for the site.
- (4) The paved portion of the parking area shall comply with the pertinent provisions of **this Division**.
- (5) The proof of parking area is not used to satisfy any other landscaping or other requirement and is not located in an area occupied by a building.

- (6) The property owner is responsible for informing any subsequent owner of the proof of parking area and parking status of the property.
- (7) The City may, at any time in its sole discretion, require proof that the parking area will be paved and striped in such a way that it meets the requirements to provide the total number of required parking spaces on the site or a percentage between 75 percent and 100 percent if so determined by the City.
- (8) The City may require the owner to enter into a proof of parking agreement specifying the requirements and restrictions and stating that the owner, developer, and successor shall be responsible for making improvements to meet the Code at the time the City requires such action.

(C) Shared Parking

Development incorporates shared parking with adjacent land uses provided peak-parking demand occurs at different times.

(D) Transit

Developments that are pedestrian-oriented or transit oriented and/or have access to transit service.

(E) Transportation Demand Management

Developments that incorporate transportation demand management techniques such as preferential parking for carpools, vanpools, shuttle-service, flex-hours and telecommuting.

207.065 Maximum Parking

Parking in excess of the minimum required may be permitted through the Site and Building Plan Review process based on the demand and need for the additional parking spaces. A pervious parking surface for these areas will be required.

207.066 Minimum Off-Street Loading Requirements

- (A) No loading facility shall be located on a street frontage (loading facility includes dock, berth, maneuvering area).
- (B) All loading docks shall be located within the perimeter of the structure housing the principal or accessory use and shall be completely enclosed.
- (C) Loading areas, aisles and access drives shall be surfaced with a durable all-weather material and shall be so graded to immediately dispose of surface water. Concrete curbing shall be required.
- (D) All berths shall be screened from view from the property's street frontage by plant materials, walls, earth berms, or fences.

(E) Truck loading areas including berth and access aprons shall have a minimum length of 90 feet.

207.067 Handicapped Requirements

Handicapped parking spaces shall be provided and marked in accordance with Minnesota Rules Chapter 1341, Minnesota Accessibility Code.

207.068 Electric Vehicle Supply Equipment (EVSE)

(A) The intent of this section is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and establish minimum requirements for such infrastructure to serve both short and long-term parking needs.

(B) Number of Required Electric Vehicle Charging Stations (EVCS).

(1) All new or reconstructed parking structures or lots with 19 or fewer parking spaces shall be allowed, but not required, to install EVSE.

(2) All new or reconstructed parking structures or lots with at least 20 but no more than 49 spaces, or expanded parking structures or lots that result in a parking lot with 15 to 49 parking spaces, shall install EVSE as required below:

(a) Multiple-family residential land uses shall have a minimum of 2 Level 2 stations for resident parking. At least one handicapped accessible parking space shall have access to an EVCS.

(b) Non-residential land uses with parking spaces available for use by the general public shall have one Level 2 station. At least one handicapped accessible parking space shall have access to an EVCS.

(3) All new or reconstructed parking structures or lots with at least 50 parking spaces, or expanded parking structures or lots that result in a parking lot with 50 or more parking spaces, shall install EVSE as required below:

(a) Multiple-family residential land uses shall have a minimum of 2 Level 1 stations for resident parking, and a minimum of 4 Level 2 stations for guest parking. At least one handicapped accessible parking space shall have access to an EVCS.

(b) Non-residential land uses with parking spaces available for use by the general public shall have a minimum of two spaces served by Level 2 charging, with at least one station adjacent to an accessible parking space. In non-residential zoned districts, DC charging stations may be installed to satisfy the EVCS requirements described above on a one-for-one basis.

- (4) Notwithstanding the requirements of subsections a above, all new or reconstructed automobile fueling stations as defined in **Part 202** shall be required to install at least one Level 2 charging station. A DC charging station may be installed to meet this requirement.
 - (5) In addition to the number of required EVCSs, the following accommodations shall be required for the anticipated future growth in market demand for electric vehicles:
 - (a) Multiple-Family Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 EVCSs for a minimum of 10% of required parking spaces.
 - (b) Non-Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 or DC EVCSs for a minimum of 10% of required parking spaces.
- (C) Permitted Locations
- (1) Level 1 and Level 2 EVCSs are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at single-family, two-family, and multiple-family shall be designated as private restricted use only.
 - (2) DC EVCSs are permitted in the non-residential districts, when accessory to the primary permitted use.
 - (3) If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a automobile fueling station for zoning purposes. Installation shall be located in zoning districts which permit automobile fueling stations.
- (D) General Requirements for Single-Family Residential Zoning Districts (RE, R1, R1A)
- (1) EVSE shall be located in a garage, or on the exterior wall of the home or garage adjacent to a parking space.
 - (2) EVSE shall comply with all relevant design criteria as outlined in 5(d), unless specifically exempted.
- (E) General Requirements for Multi-Family Residential and Non-Residential Development Parking.
- (1) Accessible Spaces. A charging station will be considered accessible if it is located adjacent to, and can serve, an accessible parking space as defined and required by the ADA. It is not necessary to designate the EVSE exclusively for the use of vehicles parked in the accessible space.

- (2) EVSE – public use shall be subject to the following requirements:
 - (a) The EVCSs shall be located in a manner that will be easily seen by the public for informational and security purposes.
 - (b) The EVCSs shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.
 - (c) The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.
- (3) Lighting. Site lighting shall be provided where EVSE is installed, unless charging is for daytime purposes only.
- (4) Equipment Design Standards.
 - (a) Battery charging station outlets and connector devices shall be mounted to comply with state code and must comply with all relevant Americans with Disabilities Act (ADA) requirements. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - (b) Electric vehicle charging devices may be located adjacent to designated parking spaces in a garage or parking lot as long as the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
 - (c) The design should be appropriate to the location and use. Facilities should be able to be readily identified by electric vehicle users and blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
 - (d) EVCS pedestals shall be designed to minimize potential damage by accidents, vandalism and to be safe for use in inclement weather.
- (5) Usage Fees. The property owner may collect a service fee for the use of EVSE.
- (6) Maintenance. EVSE shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.

207.069 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 is 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 that require all-day bicycle parking.

(c) Bicycle lock-ups: site-built secure enclosures that hold one 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.

(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) Where the minimum number of required bicycle parking spaces is not specifically listed for an individual use, the City Manager shall determine the minimum number of required spaces. The City Manager shall consider functional similarities between uses where a parking requirement is listed in the chapter and the proposed use in determining the requirement.

(2) Commercial, office and industrial uses. Bicycle parking spaces equal to ten percent of the automobile parking space requirement, but not less than four bicycle parking spaces.

(3) Institutional Uses. One bicycle parking space per ten automobile parking spaces, except that schools must provide one bicycle parking space per ten students.

207.070 Soils, Slopes, Grading, and Erosion and Sediment Control

207.071 Overview

The standards specified herein are intended to be used by all property owners, contractors and developers who perform land disturbing activity. All development activity, regardless of if the disturbance is subject to a city permit and shall conform to the standards of this chapter to provide protection from soil erosion, pollution, impaired surface water, and degradation of the natural resources of the City. Plans for all development activity must account for soil types and slopes. While corrections may be possible to permit development of land characterized by unsuitable soils or steep slopes, care must be taken to protect vegetative cover on the site and to insure there are no adverse impacts to nearby lands.

207.072 General Development Standards

The following standards apply to all development:

- (A) That all provisions necessary for management of the flood plain, surface waters and stormwater, as determined by City ordinances and those of other agencies having jurisdiction, have been met.
- (B) That the principles of Best Management Practices (BMPs), as presented in the Urban Small Sites Manual, are incorporated into the development and reflected in the Development contract to insure all soil reclamation provisions are strictly monitored and enforced by the City.
- (C) That a reasonable effort has been made to preserve the natural vegetation and that appropriate measures are taken to prevent shade tree disease transmission.
- (D) That all temporary and permanent erosion and sediment control BMPs utilized on the development site meet the objectives of the Urban Small Sites Manual and have been incorporated into the development contract, and that slope stabilization is specifically addressed within the review process.
- (E) Alteration of Land
No land shall be graded, landscaped or developed that results in water run-off causing flooding, erosion, or deposit of minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area, or other such facility.
- (F) All properties shall be graded and maintained so as to prevent the accumulation of stagnant water, except in natural occurring ponding areas on said property.

- (G) Grading shall not be altered, and gutters and downspouts shall not be installed as to direct additional surface and storm water onto adjoining properties.
- (H) Discharging any sump pump water, swimming pool water, or water which has been used in a manufacturing process or mechanical process so as to flow upon or over streets, sidewalks, or other public property or adjacent private property is prohibited except for the following:
- (1) Property that is owned by the person discharging the water.
 - (2) Sump pump or swimming pool water discharged directly to the curb flow line that does not flow into or across the street.
 - (3) Discharge water from sump pump or swimming pool that flows across unimproved public property to the curb.
- (I) Vegetation shall be restored by sodding or seeding disturbed areas upon completion of grading or any yard maintenance resulting in the removal of vegetation in accordance with [Section 207.074](#).

207.073 Soils and Slopes

No development shall be permitted on poorly drained soils, somewhat poorly drained soils, very shallow soils, soils with high shrink-swell or frost potential or very steep or steep sloped, as defined by the Soil Survey of Washington and Ramsey Counties, and in State Statutes and Rules, unless the applicant provides plans designed by an engineer licensed by the State of Minnesota demonstrating that the soil stabilization and construction techniques are consistent with accepted engineering practice, as determined by the City Manager. Long term maintenance practices shall be specified in the engineered plans. These regulations shall not prohibit earth sheltered construction, as defined in State Statute.

207.074 Soil Stabilization

(A) Minimal Erosion

Development activities shall be conducted and staged to minimize soil erosion by:

- (1) Keeping disturbed areas small.
- (2) Stabilizing and protecting disturbed areas as soon as possible.
- (3) Keeping storm water rate of runoff no greater than what it was before development.
- (4) Protecting disturbed areas from storm water runoff.
- (5) Controlling, reducing or delaying storm water runoff.
- (6) Retaining sediment within the site area.

(B) Stormwater Pollution Prevention Plan (SWPPP)

- (1) The developer shall prepare a SWPPP, which shall define the temporary and permanent BMPs that will be implemented and maintained on the development site to protect surrounding property, and surface waters from the consequences of soil erosion resulting from grading and site development. The City Manager shall review the SWPPP for compliance with the BMPs specified in the Urban Small Sites Manual.
- (2) The SWPPP shall consist of three components: a temporary erosion and sediment control plan, a permanent erosion and sediment control plan, and a narrative.
 - (a) A temporary erosion and sediment control plan shall be provided that indicates the location of perimeter controls, construction fence, temporary sedimentation basins, inlet protection, areas to be seeded, areas to be mulched or blanketed and all other required temporary erosion and sediment control measures. This plan shall also indicate staging of temporary erosion control measures.
 - (b) A permanent erosion and sediment control plan shall be provided that indicates areas to be seeded and sodded, sediment ponds, storm sewer systems and all other required permanent erosion and sediment control measures. Permanent storm water pollution controls including, but not limited to ponds, vegetated buffers, rain gardens or other infiltration areas, and structural measures shall be designed and constructed in accordance with standards specified in the City Code and the Minnesota Stormwater Manual, as well as the requirements of other agencies having jurisdiction.
 - (c) A narrative shall be provided that describes at a minimum, the nature of construction activity, person(s) responsible for inspection and maintenance of site erosion and sediment control including contact information, project phasing, schedules, along with the timing, installation and maintenance of erosion and sediment control measures and specifications necessary to carry out the project.

(3) New Vegetation

For all development where land disturbance activity occurs, the permanent new landscaped vegetation must be established within fourteen (14) days after work is completed from the date of certificate of occupancy issuance, or upon completion of approved project. If development is completed during winter (November 15th to April 15th,

permanent vegetation shall be established by May 15th. An extension may be granted by the City Manager because for weather-related delays. The City Council may grant an extension if the delay is for any other reason. Temporary soil stabilization techniques or temporary vegetation shall be established and maintained on the site per the approved plan until work to establish the permanent vegetation commences.

207.075 Grading Standards

Land disturbance activity shall be controlled in accordance with the following criteria:

- (A) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (B) Temporary ground cover, shall be as specified in the Erosion and Sediment Control Plan and permanent vegetative cover, such as sod, shall be provided. Temporary and permanent vegetation shall be maintained in compliance with all applicable requirements of the Municipal Code.
- (C) Methods to prevent erosion and trap sediment shall be employed.
- (D) Fill shall be stabilized to accepted engineering standards.
- (E) All fill and grading activity shall comply with all other standards of the City's Development Ordinance.
- (F) All fill and grading activity shall comply with the performance standards set forth in Minnesota Statutes 307.08, Private Cemeteries Act.
- (G) Slope
The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two horizontal to one vertical, for a short term interim period, unless the owner furnishes appropriate soils engineering. Unless specifically approved, permanent slopes shall be no steeper than three horizontal to one vertical.

207.076 Erosion and Sediment Control Standards

All sites with land disturbing activities shall be prepared and maintained to control against erosion as set forth in this chapter.

(A) Erosion and sediment control

Temporary and permanent erosion and sediment control measures shall be installed and maintained on all sites in conformance to the approved plan and as necessary to prevent erosion and sedimentation from impacting any adjacent property, rights-of-way, drainage system, lake, pond, wetland, watercourse, natural resource or other protected area.

(B) Implementation of storm water pollution prevention plan

All erosion and sediment control measures will be operational prior to the start of any land disturbing activity as specified in the erosion and sediment control plan, construction plans and specifications, or as deemed necessary by the City based on actual site conditions.

(C) Inspection

Inspection of the BMP measures shall be carried out by the developer as required in the permit approval, but at a minimum shall be inspected at least once a week and after rainfalls of more than 0.5-inches in a 24-hour period.

(D) Maintenance

All erosion and sediment control measures will be maintained throughout the duration of the project. Deficiencies found through inspection of a site shall be promptly repaired as necessary to bring the site into conformance with the approved plan and City requirements. At minimum, BMPs shall be maintained as follows:

- (1) If a perimeter erosion control device is found to have sediment accumulation in excess of one third of the total device height, the sediment shall be cleaned and the device repaired within 24 hours of discovery.
- (2) If an erosion control device is found to be nonfunctional, it shall be repaired or replaced within 24 hours of discovery.
- (3) Temporary sediment basins shall be maintained when sediment reaches one half the outlet height or one half the storage volume within 72 hours after discovery.
- (4) Additional erosion and sediment control measures shall be installed as directed by the City Manager as found necessary to protect life and limb, the environment, properties or the stability of a property until final stabilization has been achieved.

(E) Required Record Keeping

The developer shall keep records of inspection dates, site conditions, rainfall events and maintenance work performed. Inspection reports shall include, at a minimum, date and time of inspection, name of person conducting inspection, findings of inspection including any recommended corrective actions, corrective actions taken since previous inspection, and the date and amount of rainfall events of 0.5-inches or greater. The required records and approved plans shall be open to inspection by the City during all municipal working hours.

(F) Dewatering and Basin Draining

Dewatering and basin draining related to construction activity that may have turbid or sediment laden water must be discharged to a temporary or permanent sedimentation pond on the project site. All water that leaves the site must be treated with the appropriate BMPs such that the discharge water is clear and does not adversely affect the receiving water or downstream landowners. Turbid or sediment laden discharge water shall not be discharged into any stormwater conveyance system or water body.

(G) Construction Site Waste

The site shall be maintained in a clean and orderly manner. Waste shall be recycled when possible and stored on the site in appropriate waste and recycling containers, collected regularly, and disposed of properly, in conformance with the regulations of the City and requirements of the MPCA.

- (1) Solid Waste: Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be stored and disposed of properly.
- (2) Hazardous Wastes: Oils, gasoline, paint, and any other hazardous substances must be properly stored to prevent spills, leaks, or other discharge. Storage and disposal of hazardous wastes shall comply with MPCA requirements. Truck and Concrete Washing: When feasible, truck washout should occur at the concrete plant. When washout is needed on the construction site a concrete washout area shall be used and contain the following components:
 - (a) Signage identifying where concrete washout should be performed.
 - (b) A rock entrance to prevent sediment tracking.
 - (c) A containment area utilizing appropriate BMPs for concrete washout facilities, as identified by the MPCA. BMPs include, but are not limited to, manufactured watertight washout containers or a plastic-lined containment area such as a holding pit, bermed basin, roll-off bin, or portable tank. The plastic liner shall be a minimum of 10-mil thick and leak free. The containment area shall be inspected daily to insure the sidewalls are intact, leaks are absent, and adequate capacity remains. Washout facilities must be cleaned, or new facilities constructed and ready to use, once the washout container is 75% full. If stored liquids have not evaporated when 75% capacity is reached, vacuum and dispose of the liquid in accordance

with MPCA requirements. Hardened solids shall be disposed of as per the regulations of the MPCA.

207.077 Shoreland Management

In addition to the regulations stated in this Section, development activities on riparian lots having frontage on Minnesota Department of Natural Resources (DNR) classified protected waters are subject to the provisions of 209.080(G) (Shoreland Management).

207.078 Enforcement and Penalty

This ordinance shall be administered and enforced by the City Manager, as specified in **Section 201.023**. Any person, firm or corporation, who violates or refuses to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. Violations may result in issuance of a stop work order for the entire project or any portion thereof, no inspections shall be performed by the City, and the City will withhold issuance of any and all Certificates of Occupancy until conditions on the site comply with the provisions of this Code.

207.080 Stormwater Management

207.081 Illicit Discharge Detection and Elimination

(A) Purpose

The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-stormwater discharges to the storm drainage system, as required by federal and state law. This Section establishes regulations for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the MS4 permit issued to the City of Shoreview by the Minnesota Pollution Control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Section are:

- (1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, and enforcement procedures necessary to ensure compliance with this Section.

(B) Compatibility with Other Regulation

This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(C) Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore this section does not intend to imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(D) Discharge Prohibitions

(1) Prohibition of illegal discharges

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 or storm drainage system any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) Water line flushing, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, individual residential car washing, and street wash water, provided such exempt discharges flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the City.
- (b) Discharge of swimming pools subject to Subsection 206.061(H) crawl spaces, sump pumps, footing drains, and other sources that may be determined to contain sediment or other forms of pollutants may not be discharged directly to a gutter or storm sewer.
- (c) Discharges or flow from firefighting and other discharges specified by the City of Shoreview as being necessary to protect public health and safety.
- (d) Discharges associated with dye testing, however dye testing requires a notification to the City prior to the test.
- (e) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order

issued to the discharger and administered under the authority of the Minnesota Pollution Control Agency (MPCA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Written approval of the City is required for any discharge to the storm drain system or MS4.

(2) Prohibition of Illicit Connections

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system or MS4 is prohibited.
 - (i) This prohibition includes all illicit connections made prior to the adoption of this ordinance regardless of whether said connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (ii) A person is in violation of this Division if the person connects a line conveying sewage to the storm drain system or the MS4, or allows such a connection to continue.
- (b) Existing illicit connections must be disconnected and redirected to an approved onsite wastewater management system or the sanitary sewer system, subject to permitting and approval by the City of Shoreview.
- (c) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon written notice from the City. Such notice shall specify a reasonable time period for locating to be completed. As-built locations shall be provided to the City.

(E) Right of Entry

The City shall be permitted to enter and inspect private systems that connect to the MS4 or storm drainage system as may be necessary to determine compliance with this section.

(F) Violations

In addition to the penalties established pursuant to Section 101.040 of the Municipal Code, illicit discharge may result in other penalties, including:

(1) Emergency cease and desist orders

When the City finds that any person has violated, or continues to violate, any provision of this Section, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened

discharge to the storm drain system, the MS4, or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City may issue an order to immediately cease and desist all such violations.

(2) Suspension due to the detection of illicit discharge

Any person discharging to the MS4 in violation of this Section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents imminent and substantial danger.

(G) Remedies Not Exclusive

The remedies listed in this Section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies. The City may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Section, including sampling and monitoring expenses.

207.082 Private Stormwater Management

(A) All stormwater best management practices shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure.

(B) Stormwater easements and covenants shall be provided by the property owner for access for facility inspections and maintenance. Easements and covenants shall be recorded with Ramsey County prior to the issuance of a permit.

(C) Maintenance

(1) All stormwater best management practices shall be maintained according to the measures outlined in accordance with the City's Surface Water Management Plan.

(2) The person(s) or organization(s) responsible for maintenance shall be designated in the Development Agreement. The property owner(s) shall be responsible for maintenance if the Development Agreement does not designate a party.

(3) The financial responsibilities for such maintenance shall be specified in the Development Agreements and be included in deed restrictions or other contractual agreements as approved by the City.

(4) Non-routine Maintenance

Non-routine maintenance includes maintenance activities are those infrequent activities needed to maintain the ponding areas and/or stormwater infrastructure so that it functions in accordance with the approved plans and specifications. Examples of such activities include pond or infiltration basin dredging or major repairs to stormwater structures.

(a) Nonroutine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections.

(b) If nonroutine maintenance activities are not completed in a timely manner or as specified in the approved plan, then the City may complete the necessary maintenance at the owner's/operator's expense.

(D) Inspections

The person(s) or organization(s) responsible for maintenance shall inspect stormwater best management practices on a regular basis, as outlined in the Development Agreement or as required by the Minnesota Pollution Control Agency.

(1) Authorized representatives of the City may enter at reasonable times to conduct on-site inspections or routine maintenance.

(2) For best management practices maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with the City as provided for in the Development Agreement.

(3) Authorized representatives of the City may conduct inspections to confirm the information in the maintenance reports.

207.090 Surface Water Management

207.091 General Provisions

(A) Development shall generally conform to the guidelines adopted in the current Surface Water Management Plan (SWMP).

(B) Strict compliance with the minimum building elevations (MBE) as specified in the SWMP for property that is not located in the FF, FW or GF Districts.

207.092 Wetlands

(A) Utilization of protected wetland areas within the City shall be governed by the Watershed District and Department of Natural Resources regulations.

(B) During construction, no sediment or runoff shall be discharged into wetlands and other water bodies.

- (C) Wetland buffers are required by the City to meet the intent of the SWMP. A 16.5 foot buffer width is the minimum necessary to protect surface water wetlands from adverse development impacts. Deviation from this requirement may be approved during the applicable land use approval, including but not limited to Site and Building Plan Review, Subdivision, or Planned Unit Development.

207.100 Subsurface Sewage Treatment Systems

207.101 General Provisions

(A) Connection to Public Sanitary Sewer Required

Existing structures with subsurface sewage treatment systems (SSTSs) must, upon the availability of the public sanitary sewer to the property, hook up to the public sanitary sewer system within one year. However, if a completely new SSTS was installed within the five-year period prior to the availability of public sanitary sewer, connection will not be required for up to 5 years, provided the system is maintained in accordance with the provisions of this Section and unless at any time the SSTS is determined to be an imminent threat to public health.

(B) Standards adopted by reference

The City hereby adopts, by this reference, Minnesota Rules, [Chapters 7080](#) and [7081](#) as now constituted and from time to time amended, relating to the construction, maintenance, permitting, inspection and abandonment of SSTS.

(C) Definitions

See [Minnesota Rules Chapter 7080](#) for definitions of terms used in this Division.

(D) Inspections

Inspections are required for all SSTSs and no part of an SSTS shall be covered until and unless it has been inspected and approved by the City.

(E) Abandonment

An existing SSTS or any component thereof that will no longer be used must be abandoned in accordance with the adopted standards of this Code, and a record of the abandonment submitted to the City within 90 days, as required.

(F) Licensing

All design, installation, alteration, repair, maintenance, pumping and inspection activities for SSTSs must be performed by a business licensed or

exempted under Minnesota Rules or an appropriately certified qualified City employee.

(G) Periodically Saturated Soil Disagreements

Disputes involving documented discrepancies on the depth of the periodically saturated soil for SSTS design or compliance purposes shall be resolved according to [Minnesota Rules, Part 7082.0700, Subpart 5](#).

207.102 New and Replacement Systems

(A) New or replacement SSTSs may be permitted for detached single-family residential dwellings where it is clearly shown that there are practical difficulties in the extension of public sanitary sewer service to the structure as determined by the City Manager, provided the property is at least one acre in size. Installation of new or replacement ISTS on a property less than one acre in size requires approval of a variance in accordance with [Section 203.047](#).

(B) All new or replacement SSTSs must be sited, designed, installed, permitted, inspected and operated in accordance with [Subsection 207.101\(B\)](#).

(C) New or replacement SSTSs shall be setback at least 150 feet from Ordinary High Water Line of Natural Environmental Waters and at least 50 feet from the Ordinary High Water Line of General Development Waters.

(D) New or replacement SSTSs shall not be located in a floodway, and placement in a floodplain shall be avoided. If no alternative exists, a system is allowed to be placed within the flood fringe, provided the requirements of [Minnesota Rules, Part 7080.2270](#) are met. Any sewage treatment system designed in accordance with [Subsection 207.101\(B\)](#) shall be determined to be in compliance with this section.

(E) On lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area that can support a standard soil treatment system.

(F) Holding Tanks

Holding tanks may be allowed for the following applications:

- (1) As a replacement to a failing system; or
- (2) As a replacement for an SSTS that poses an imminent threat to public health and safety.
- (3) The owner of a holding tank shall provide the City Manager with a copy of a contract with a licensed sewage maintenance business for

monitoring and removal of holding tank contents. A valid maintenance contract shall remain in effect for the life of the holding tank.

(G) Privies Not Allowed

Privies and other toilet waste treatment devices used for primitive dwellings are not permitted.

(H) Operating Permit

- (1) An Operating Permit shall be required of all owners of new holding tanks, Type IV Systems, Type V Systems, MSTs, or any other system deemed by the City to require operational oversight. Sewage shall not be discharged to these systems until the City certifies that the system was installed in substantial conformance with the approved plans, receives the final record drawings of the system, and a valid Operating Permit is issued to the owner.
- (2) The City shall receive the record drawings, operation and maintenance manual, management plan and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness prior to issuance of an Operating Permit.
- (3) The Operating System shall include the following:
 - (a) System performance requirements
 - (b) System operating requirements
 - (c) Monitoring locations, procedures and recording requirements
 - (d) Maintenance requirements and schedules
 - (e) Compliance limits and boundaries
 - (f) Reporting requirements
 - (g) Department notification requirements for non-compliant conditions
 - (h) Valid contract between the owner and a licensed maintenance business
 - (i) Disclosure, location and condition of acceptable soil treatment and dispersal system site
 - (j) Description of acceptable and prohibited discharges
- (4) Operating Permits shall be valid for a specific term, as determined by the City, and shall be renewed prior to its expiration. If not renewed, the City may require the system to be removed from service or operated as a holding tank until the Permit is renewed. If not renewed within ninety (90) days of the expiration date, the City may require that the system be abandoned in accordance with [Subsection 207.101\(E\)](#).

207.103 Existing Systems

- (A) Any modification, repair, alteration or expansion of an existing SSTS must be designed, installed, constructed, permitted, inspected, and operated in accordance with [Subsection 207.101\(B\)](#).
- (B) All existing individual sewage treatment systems are required to be maintained in accordance with [Subsection 207.101\(B\)](#).
- (C) A Certificate of Compliance must be provided before a building permit can be approved for a bedroom replacement on properties served by individual sewage treatment systems if the application is received between May 1st and October 31st. For applications received between November 1st and April 30th, a compliance inspection must be completed by the following June 1st and a Certificate of Compliance received by the City by September 30th. If the existing individual sewage treatment system was installed between May 27, 1989 and January 23, 1996, and an inspection triggered by this requirement determines the system is noncompliant but not an imminent threat, the property owner has 5 years to bring the existing system into compliance.

207.104 Maintenance

- (A) Existing SSTSs must be inspected at least every three years in accordance with [Subsection 207.101\(B\)](#). Such inspections shall be conducted by an inspector licensed by the Minnesota Pollution Control Agency at the expense of the property owner. Inspection reports must be submitted to the City within 15 days of the inspection date.
- (B) Septage must be removed from existing SSTSs at least every three years in accordance with [Minnesota Rules, Part 7080.2450, Subpart 3](#). Such material removal shall be conducted by a business licensed by the Minnesota Pollution Control Agency at the expense of the property owner. Evidence of material removal must be submitted to the City within 30 days of the removal date.
- (C) Septage or any waste mixed with septage must be disposed of in accordance with state, federal or local requirements for septage.
- (D) Noncompliance with these maintenance provisions shall be treated as a misdemeanor and each day in violation shall be treated as a separate offense.

207.105 Failing Systems

A Notice of Noncompliance shall be issued and copies provided to the property owner and the City within 15 days from the time the system is determined to be noncompliant.

- (A) Failing subsurface sewage treatment systems shall be upgraded, replaced, or their use discontinued and the system properly abandoned within one year from the date of the Notice of Noncompliance unless the system is determined to be an imminent threat to public health, safety, or welfare.
- (B) Any subsurface sewage treatment system posing an imminent threat shall be upgraded, replaced, repaired, or its use discontinued and the system properly abandoned within 10 months after receiving written notice from the Building Official. The Building Official may grant an extension because of weather considerations not to exceed 6 months.
- (C) An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.

207.106 Permits

Permits are required for all SSTSs in accordance with Minnesota Rules. Permit fees shall be established by Council Resolution. Such permit shall be valid for a period of 180 days from the date of issuance.

- (A) All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees, or persons exempt from licensing. Permit applications shall be submitted by the person doing the individual SSTS construction, accompanied by the required site and design data.
- (B) Permits shall only be issued to the licensed person doing the SSTS construction.
- (C) Permit applications for new and replacement SSTS shall include a management plan for the owner. The management plan shall include a schedule for septic tank maintenance.
- (D) A permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components, or otherwise change the original system's design, layout, or function.
- (E) Any activity involving an existing system that requires a permit shall require that the entire system be brought into compliance with the requirements of this Division.

207.110 Water Supply**207.111 General Provisions**

All public or private supplies of water for domestic purposes shall conform to the Minnesota Department of Health standards for water quality.

207.112 Private Wells

- (A) Existing structures with private wells shall be allowed continued use. No person, firm or corporation shall alter, repair or extend any private well without first obtaining a permit from the Minnesota Department of Health. If municipal water facilities are available to the property at the time of the needed alteration, repair or extension, connection to the municipal water system is required.
- (B) In the event that an existing structure with a private well connects to the municipal water facilities, the private well may continue to be used for outdoor watering and maintenance.
- (C) All private wells which are abandoned must be properly capped and closed according to the Minnesota Department of Health requirements.
- (D) On-site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems.

208 Sign Regulations

208.010 Purpose

208.011 Purpose

The purpose of this Part is to regulate the location, size, placement, and certain features of all signs placed on private property for public observation to protect and promote the general welfare, health, safety, and order within the City. The provisions contained within this Part are meant to encourage creativity and opportunities for effective communication, while ensuring that the public is not distracted or endangered by such communication. This Part must be interpreted in a manner consistent with the First Amendment guarantee of free speech.

208.020 Definitions

208.021 General Provisions

(A) Unless specifically defined below, words or phrases used in the City of Shoreview Code of Ordinances shall be interpreted so as to give them the same meaning as they have in common usage and so as to give subject code its most reasonable application.

(1) Sign

Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

(2) Sign, Banners

A sign constructed of cloth, flexible plastic, or fabric of any kind which can be easily folded or rolled.

(3) Sign, Base

The supporting structure upon which a sign face is affixed and which must be architecturally compatible with the exterior of the principal structure in the associated development, in terms of color, form, and exposed material type(s).

(4) Sign, Canopy or Awning

Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

(5) Sign, Cabinet or Canister-Style

A sign that consists of a translucent sign face(s) to which the lettering/graphic message is painted onto and/or molded into. Such sign differs from a canopy sign in that the edges of the face(s) are enclosed by a ridge frame to form a cabinet.

(6) Sign, Changeable Copy

A sign which is changed manually and not controlled by means of electronic devices.

(7) Comprehensive Sign Plan

A sign plan for a building and its associated grounds, a multi-building development site or a multi-tenant building indicating the number, types, locations, dimensions, materials, and colors of signs proposed.

(8) Sign, Dynamic Display Billboard

A dynamic display sign is defined as an off-premise sign which is capable of displaying a video signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors.

(9) Sign, Entrance

A monument sign located at entrance to a development or neighborhood.

(10) Sign Face

The area or display surface used for the sign message.

(11) Sign, Flashing, Blinking, or Animated

An illuminated sign which contains flashing lights or exhibits noticeable changes in color or light intensity.

(12) Sign, Freestanding

Any sign structure that is self-supporting, placed in the ground, and not affixed to a building.

(13) Sign, Ground

A freestanding sign whose face is mounted upon a base that is 40 to 75 percent of the width of the face and the height of the top of the sign above the ground does not exceed 6 feet. A ground sign may be externally or internally lighted or unlighted. The face may be individual-letter or cabinet style.

- (14) Sign, Ground Flag
A temporary banner sign which is located upon or affixed to the ground.
- (15) Sign, Government
A sign erected and maintained by or on behalf of the country, state, county, or city within the public right-of-way. This definition includes traffic control signs.
- (16) Sign Height – Freestanding Sign
The vertical distance between the highest part of the sign structure and the average ground level adjacent to and within ten feet of the sign base or the grade of the adjoining street, whichever is less.
- (17) Sign, Incidental
A small sign, emblem or decal, not to exceed 2 square feet, displayed outside on a premises or displayed in a window or door visible outside of the structure. These signs are distinguished from Traffic Directional Signs.
- (18) Sign, Individual Letter-Style
A sign with a sign face(s) that is opaque to which the letters/graphics are affixed, cut-out of, cut into, or resemble such. In the case of wall signs, the building elevation constitutes the sign face. The color of the sign face is also the same behind each tenant name, where multiple names appear. If lighted from within, only the lettering/graphic area is recognizable as being lighted.
- (19) Sign, Marquee
Any sign attached, or affixed in any manner, or made a part of a marquee.
- (20) Sign, Message Center
An on-premise sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.
- (21) Sign, Monument
A freestanding sign whose face is mounted upon a base that is at least 75 percent of the width of the face. A monument sign may be externally or internally lighted or unlighted.
- (22) Sign, Multi-vision
A sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different

image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

(23) Sign, Obsolete

A sign that no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity and/or for which no legal owner can be found.

(24) Sign, Pennant

A sign made of flexible materials normally fastened from one or two corners to a stringer which is tethered to allow movement of the sign caused by movement of the atmosphere.

(25) Sign, Permanent

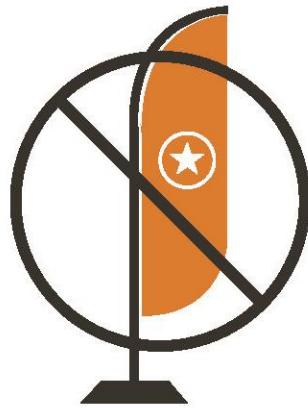
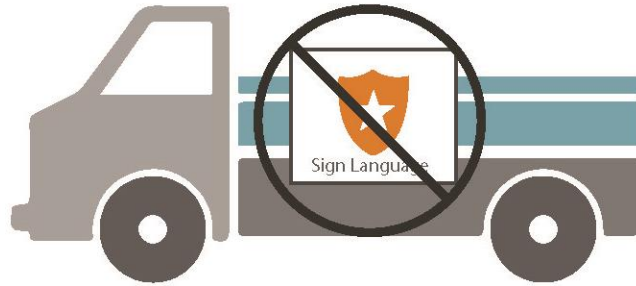
A sign attached to a building, structure, or the ground which is constructed of durable materials intended for long-term use.

(26) Sign, Portable

(a) A sign structure with or without copy and/or graphics so designed as to be movable from one location to another and which is not permanently attached to the ground or any structure. Sandwich board signs are not considered portable signs for the purpose of this definition.

(b) Examples of portable signs are illustrated and described below:

- (i) Signs designed to be transported by trailer or on wheels;
- (ii) 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 vehicles is being used in the normal day-to-day operations of that business.
- (iii) A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached to the ground, a structure, or other sign.



(27) Sign, Projecting

A sign which is affixed to a building and which extends perpendicularly from the building wall more than twelve (12) inches.

(28) Sign, Pylon

Any permanent, freestanding sign whose sign face which is mounted upon a sign base that is less than 40 percent of the width of the face and height in excess of six feet.

(29) Sign Rider

A smaller sign accompanying a larger sign which is typically fastened above, below, or next to the larger sign.

(30) Sign, Roof

Any sign which is erected, constructed or attached wholly or in part upon or over the roof of a building, unless attached to a parapet or mansard structure that is an architectural component of the building.

(31) Sign, Rotating

A sign or a portion of a sign which moves in a rotating, oscillating, or similar manner.

(32) Sign, Sandwich Board

A type of moveable pedestrian oriented sign constructed of two (2) independent faces that are attached so its side view resembles a triangle or "T".

(33) Sign, Shimmering

A Sign which reflects an oscillating sometimes distorted visual image.

(34) Sign, Static Billboard

A freestanding sign which directs attention to a business, commodity, service, or entertainment not related to the premises where such a sign is located.

(35) Sign Structure

A term used in conjunction with freestanding signs, meaning the sign face together with the sign base.

(36) Sign, Temporary

Any sign which is erected or displayed on a non-permanent basis for a limited period of time.

(37) Sign, Traffic Directional

Any on-premises sign used to guide the circulation of motorists or pedestrians on the site.

(38) Sign, Transit Amenity

A sign which is affixed to or painted on a transit amenity, such as a transit bench or shelter.

(39) Sign, Video Display

A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects but do not include Message Center Signs or Dynamic Display Billboards.

(40) Sign, Wall

A single-faced sign which is affixed to the exterior wall of a building and which is parallel to the building wall and which does not project more than twelve (12) inches from the wall surface to which it is attached, nor extend beyond the top of a building elevation or parapet wall, whichever is higher.

(41) Sign, Window

A sign affixed to or inside of a window in view of the general public.
Merchandise on display is not considered window signage.

208.030 Prohibited Signs

The following signs shall be prohibited:

- (A) Rotating or otherwise moving signs
- (B) Roof signs
- (C) Projecting signs
- (D) Portable signs
- (E) Ground flag signs
- (F) Signs which are tacked on trees, fences, utility poles, or other similar objects
- (G) Signs painted directly on building, walls, or fences
- (H) Flashing, blinking or animated signs, including but not limited to traveling lights or any other means not providing constant illumination, except approved Message Center signs.
- (I) Obsolete signs
- (J) Pennants, whirling devices, balloons, inflatable devices and/or other apparatus resembling the same
- (K) Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress for any structure.
- (L) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign, except such signs attached to buses, taxis or other vehicles operating during the normal course of business.
- (M) Signs which constitute a public nuisance shall not be erected, installed or otherwise displayed. Such signs shall include, but not be limited to, signs that contain any indecent or offensive picture or written material or signs erected without the permission of the property owner.
- (N) Signs located within the public right-of-way unless specifically permitted elsewhere in this section.
- (O) No sign may be erected or otherwise displayed that by reason of its location, shape, movement, color, or any other manner interferes with the proper functioning of a traffic sign or signal, obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering public streets, or otherwise constitutes a traffic hazard. All signs shall also comply with the traffic visibility requirements set forth in **Subsection 207.041(B)**.

- (P) Multi-vision signs
- (Q) Shimmering signs
- (R) Video Display signs
- (S) Static Billboard signs

208.040 Exempt Signs

The following signs do not require a permit as long as the requirements identified below are met:

(A) Property Identification Numerals

- (1) Property identification numerals clearly visible from the street for public safety purposes for each principal structure that has been assigned an address by the City.
- (2) Property identification numerals shall be no larger than 10 square feet for nonresidential or 2 square feet for residential uses.

(B) Flag

- (1) All flagpoles shall be setback at least 20 feet from all property lines.
- (2) Flagpoles shall not exceed 35 feet in height, unless associated with structure at least 30 feet in height, in which case flagpoles up to 50 feet tall may be permitted.
- (3) On non-residential properties, the display of up to four (4) flags is permissible. On residential properties, no more than two (2) flags are permitted.
- (4) Any other display of flags shall require approval of a Comprehensive Sign Plan.

(C) Traffic control signs authorized by federal, state, or municipal governments with proper jurisdiction.

(D) Traffic directional signs within a private development or center are permitted, provided:

- (1) All such signs have a uniform design on a site;
- (2) If located within a right-of-way, the sign shall comply with all applicable roadway authority rules for height, location, and size;
- (3) The sign(s) is as small and low to the ground as practical to convey the intended information;
- (4) The minimum number of such signs necessary for the purposes intended are utilized.

(E) Official notices authorized by a court, public body, or public safety official.

- (F) “No Trespassing” and “No Hunting” signs and similar warning or restrictive signs, not to exceed two (2) square feet in area, may be placed upon private property by the owner.

208.050 Temporary Signs

208.051 General Provisions

- (A) Temporary signs are exempt from permit requirements but must otherwise be in conformance with all requirements of this Part.
- (B) A property owner may place no more than one (1) temporary sign with a sign face no larger than four (4) square feet on the property at any time.
- (C) One temporary window sign no larger than 8.5 inches by 11 inches may also be allowed on the property at any time.
- (D) In addition to these signs, the following signs may also be placed on a property:
- (1) An unlimited number of temporary signs may be located on the owner’s property for a period of 46 days prior to an election involving candidates for a federal, state, or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located.
 - (a) Such signs shall be removed within 10 days following an election.
 - (b) Such signs shall not exceed six (6) square feet in area.
 - (c) Such signs shall be setback at least six (6) feet from the edge of any roadway and shall not interfere with roadway visibility.
 - (d) Such signs shall be setback a minimum of 2 feet from a sidewalk or trail.
 - (e) Signs placed on corner lots shall not obstruct views to or from the roadway.
 - (2) Any property that is currently for sale or rent may place one (1) freestanding or wall sign per street frontage. Such signs must be removed within 7 days after the sale or rental of the property. Such signs shall not exceed six (6) square feet in area in all residential districts and 32 square feet in area in all other districts. Banner-style wall signs may be permitted for multiple dwelling residential and nonresidential structures in lieu of a temporary wall sign.
 - (a) Said sign(s) shall be setback at least 3 feet from the edge of any roadway or back of curb and at least 2 feet from the edge of a sidewalk or trail, whichever is the greater. Signs shall not be erected between the pavement or curb and any sidewalk or trail.

- (b) Up to three sign riders are permitted for residential property. No single rider shall exceed 1.5 square feet in area, nor shall the total area of all the riders exceed 4.5 square feet.
- (3) One (1) temporary sign may be located on the owner's property on a day when the property owner is opening the property to the public.
 - (a) The sign shall be no larger than six (6) square feet in area.
 - (b) Said sign shall only be displayed between the hours of 7 a.m. and 8 p.m.
 - (c) Property owners may not use this type of sign in any residential district more than three (3) consecutive days per year in residential districts and 14 consecutive days per year in all other districts.
- (4) Any property where an open building permit has been issued may place one (1) non-illuminated sign on the property.
 - (a) This sign may not exceed 12 square feet for residential uses and 64 square feet for non-residential uses.
 - (b) Such signs shall not extend higher than 12 feet above the ground surface.
 - (c) The sign shall be removed within two (2) years of the date of issuance of the building permit or when the building permit has been finalled or expired, whichever is sooner.
 - (d) If the property adjoins two (2) or more collector or arterial roadways as designated in the Comprehensive Plan, one (1) sign may be allowed along each roadway frontage.
 - (e) Such signs shall be removed within seven (7) days of the issuance of a certificate of occupancy for any building on the site or within 2 years of the date of issuance of the first building permit, whichever is sooner.
- (5) For a period 30 days before and 30 days after a holiday, temporary signs may be placed on the property for decorative purposes even if the lights might be arranged to form a sign.

208.052 Commercial, Industrial, and Institutional Districts

In addition to the temporary signage allowed in Subsections 208.051(B) and (C) above, the following temporary signage is allowed in the C1, C2, OFC, BPK, I, and INST districts in conformance with the specified standards:

(A) General Standards

- (1) Temporary signs may not exceed 32 square feet in area.
- (2) No more than two (2) temporary signs per tenant shall be displayed at any one (1) time.

- (3) No more than four (4) temporary signs shall be allowed per calendar year, per tenant, and permits for the display of such signs shall be valid for up to 14 days. All such signs shall be removed from the premises no more than one (1) working day following the expiration of the permit.
 - (4) A minimum period of seven (7) days shall be required between temporary sign permits issued for a tenant.
 - (5) No temporary signs shall be allowed on property that has a changeable copy sign or message center sign.
- (B) Allowable Temporary Sign Types
- (1) Sandwich Board Sign
 - (a) The sign shall not exceed two (2) feet in width and three (3) feet in height.
 - (b) Said sign may have two (2) sign faces.
 - (c) Only one (1) sandwich board is allowed per business.
 - (d) Said sign shall be located in front of, and within twelve (12) feet of the main entrance of the business it advertises.
 - (e) The placement of the sandwich board sign must be such that there is a minimum of thirty-six (36) inches of unobstructed sidewalk clearance between it and any other building or obstruction.
 - (f) Said sign must be removed from the sidewalk before the close of business.
 - (g) Said sign shall not interfere with pedestrian or traffic safety.
 - (2) Banner sign
 - (a) Single tenant buildings less than 50,000 square feet in area and multi-tenant buildings may have one (1) banner sign on the premises not to exceed 32 square feet of area.
 - (b) For single-tenant buildings 50,000 square feet or greater may have one (1) banner sign on the premises not to exceed 64 square feet.
 - (c) Any banner sign shall be affixed to the principal structure.
 - (3) Window Signage

Temporary window signage visible outside of the building is permitted provided:

 - (a) It does not exceed 10 percent of the total glass area of the individual window or door in which displayed.
 - (b) Illuminated window signs shall not exceed 5 percent of the total glass area of the individual window or door area in which displayed. Said sign area shall be included in the maximum area permitted as identified in item (a) above.

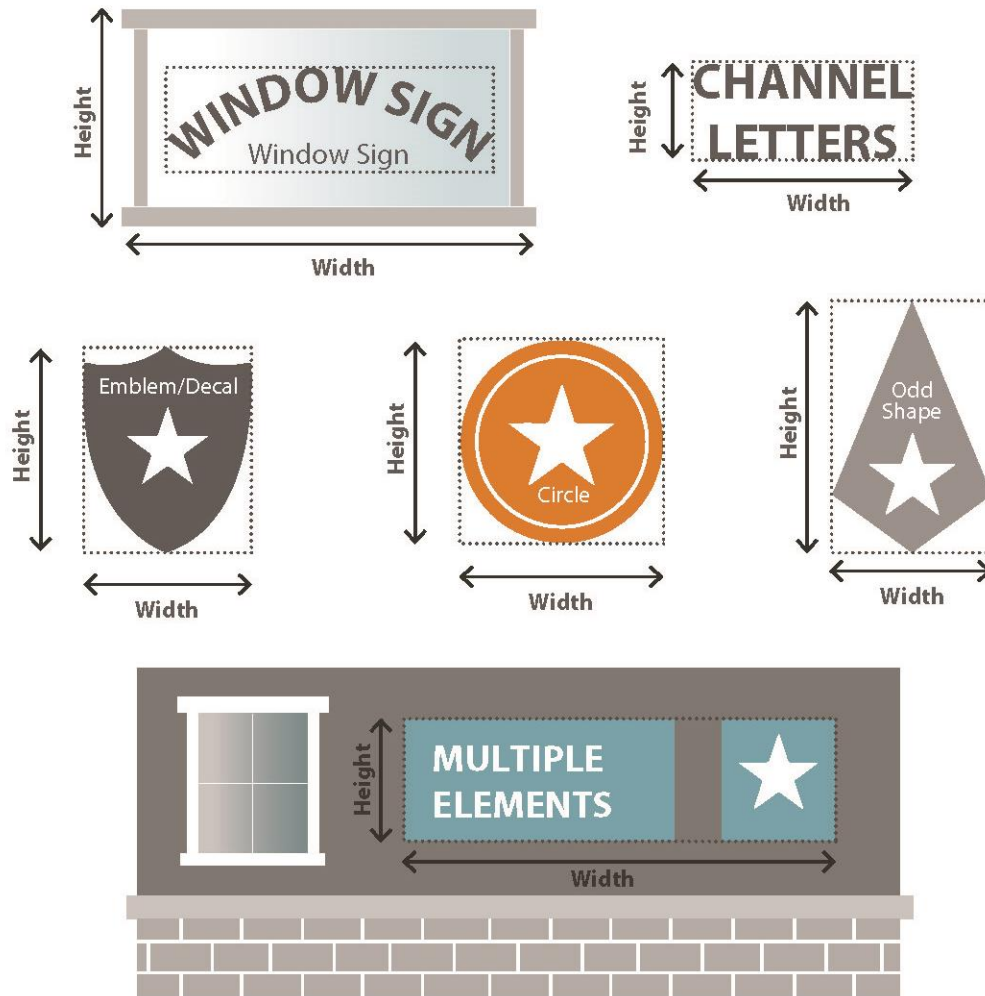
208.060 General Standards**208.061 Location**

- (A) Unless stated otherwise in this ordinance, signs shall be setback at least five (5) feet from all property lines.
- (B) The City may require a greater setback because of public safety reasons that may include, but not be limited to, the following concerns:
- (1) Vehicle sight-distances
 - (2) Distance from an intersection
 - (3) Function of the adjoining right-of-way

208.062 Area

Except as otherwise provided, the area of a sign shall be calculated by means of the smallest rectangle that will encompass the extreme limits of the sign content, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this Ordinance and is clearly incidental to the display itself. (See [Table 208.1](#))

Table 208.1. Sign Area.



- (A) For a single wall on a single-occupant building, all content and graphics on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the maximum permitted sign area.
- (B) If the faces of a double-faced sign are parallel or the interior angle formed by the faces is 45 degrees or less, only one (1) display face shall be measured in computing sign area. If the two (2) sides of a double-faced sign are of unequal size, the area of the sign shall be the area of the larger face.
- (C) In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign.

208.063 Construction and Lighting

- (A) All signs shall be constructed and maintained in accordance with applicable provisions of the Minnesota State Building and Electrical Codes. Permanent freestanding signs shall have self-supporting structures erected on and permanently attached to concrete foundations. Walls that are meant to support wall signs shall be designed and constructed with sufficient strength to support the proposed sign.
- (B) All lights aimed at a sign must have all the light hit the sign (or be blocked by a shield/hood), and should shine from above instead of from below when practical. Where wall signs are displayed on the same building elevation or where a freestanding sign is divided into parts, all signs or parts must be lighted if one is lighted, and the lighting type (internal or external) shall be uniform.
- (C) Signs may be internally or externally lighted or be unlighted, unless otherwise stated herein. Signs which are not internally illuminated shall have their light fixtures and light sources screened from view.
- (D) No sign may be brighter than is necessary for clear and adequate visibility.
- (E) No sign may be of such intensity or brilliance as to impair the vision of motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
- (F) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
- (G) All signs that have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

208.064 Maintenance and Repair

- (A) All sign components shall be kept in a sound structural and attractive condition, which shall constitute, but not limited to: replacement of defective, missing, or broken parts, including lighting; periodic cleaning; maintenance of the display surface to keep it neatly painted or posted at all times; and maintenance by the owner of the landscaping near the sign to keep it free and clear of all obnoxious substances, rubbish and weeds.
- (B) Obsolete messages shall be removed within 14 days of becoming obsolete.

- (C) All legal nonconforming signs are subject to all requirements of this ordinance regarding safety, maintenance, and repair. Repair of a legal non-conforming sign is subject to the provisions of [Division 205.020 Nonconformities](#).

208.070 District Standards

208.071 District Chart

- (A) [Table 208.2](#) shows the types of signs permitted by each zoning district. X's within the table mean that the sign is permitted within that district. Blank cells mean that the sign is not permitted. Signs permitted within the MU-N, MU-C, MU-TC, OS, and INST districts are found in [Sections 208.073, 208.074, and 208.075](#) below.
- (B) Standards for each sign listed may be found in [Division 208.050 Temporary Signs](#) and [Division 208.080 Permitted Signs](#).

Table 208.2. Permitted Signs by District

Sign Type	Zoning District												
	RE	R1	RIA	R2	R3	R4	C1	C2	OFC	BPK	I	INST	T
Signs not requiring permits	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Temporary Window Sign							✓	✓					
Wall Sign				✓ ²	✓ ²		✓	✓	✓	✓	✓	✓	✓
Freestanding sign				✓ ¹	✓ ¹		✓	✓	✓	✓	✓	✓	
Monument Sign	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Changeable Copy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
Message Center							✓	✓	✓	✓	✓	✓	
Incidental Sign	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Dynamic Display billboard								✓ ³			✓		
Transit Amenity	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

Notes:

- All freestanding signs associated with approved Institutional uses and residential developments shall be ground or monument-style.
- Wall signs permitted for attached residential uses.
- Dynamic display billboards may be located in a PUD district with a base district of C2.

208.073 Mixed Use Districts

- (A) All signs not requiring permits as set forth in this Part.
- (B) One (1) freestanding sign per principal structure (not including individual detached residential)
- (C) In the MU-N and MU-C districts:
 - (1) Signage for residential uses shall meet the signage regulations set forth for the R3 district.
 - (2) Signage for non-residential uses shall meet the signage regulations set forth for the C1 district.
- (D) In the MU-TC district:

- (1) Signage for residential uses shall meet the signage regulations set forth for the R3 district.
- (2) Signage for non-residential uses shall meet the signage regulations set forth for the C1 district with the following exceptions:
 - (a) New pylon signs are prohibited
 - (b) Wall signs shall only be placed on the ground floor and exterior walls of the occupied tenant lease space.
 - (c) Pedestrian scale signs visible from the public sidewalks shall be encouraged. Such signs shall be no more than three feet in vertical dimension unless flush with the building wall. These signs shall count as part of the total sign area allowed.
- (3) Awning/canopy signs may be allowed in addition to wall signs provide they meet the following standards:
 - (a) The lowest part of the awning/canopy shall not be less than eight (8) feet above the sidewalk.
 - (b) They shall only be allowed on the first floor over a window or door feature.
 - (c) They shall count against the total allowable wall sign area.

208.074 Open Space (OS District)

- (A) All signs not requiring permits as set forth in this Part.
- (B) Freestanding signs
 - (1) One unlighted, individual letter-style sign is permitted near each street access to a park or open space facility. A lighted sign may be permitted for recreation facilities that frequently have evening or night time uses, such as an ice arena, provided the property abutting the entrance is not designated for residential use in the City's Future Land Use Plan.
 - (2) The sign area shall not exceed 15 square feet and the top of the sign shall not be more than six (6) feet above grade.
 - (3) Regional or County park or open space facilities may have one (1) additional individual letter-style sign located along Interstate Highway right-of-way, provided:
 - (a) It is located on the park or open space property;
 - (b) It is unlighted;
 - (c) The sign face is an earth-tone color, such as the brown used by MN/DOT;
 - (d) It does not exceed 32-square-feet in area; and
 - (e) The top of the sign is not more than ten feet off the ground.
- (C) Signs located on the interior of the site are excluded from regulation.

208.075 Institutional District

In addition to the signs listed in [Table 208.2](#) above, the following signs may be permitted within the INST district:

(A) Freestanding signs

- (1) One unlighted, individual letter-style sign is permitted near each street access to a park or open space facility. A lighted sign may be permitted for recreation facilities that frequently have evening or night time uses, such as an ice arena, provided the property abutting the entrance is not designated for residential use in the City's Future Land Use Plan.
- (2) The sign area shall not exceed 15 square feet and the top of the sign shall not be more than six (6) feet above grade.

(B) Scoreboards

- (1) One scoreboard, not to exceed 40 square feet of area, is permitted per playing field.
- (2) One sponsor panel, not to exceed 12 square feet of area, may be affixed to the bottom edge of each scoreboard

(C) Signs located on the interior of the site are excluded from regulation.

208.080 Permitted Signs

208.081 Permitted Signs

Permanent signs are permitted, subject to area, height and location requirements of this Ordinance. Provisions of a Comprehensive Sign Plan may deviate from these requirements.

208.082 Permanent Signs

(A) Wall Signs

The following standards for wall signs shall apply:

- (1) One wall sign is permitted per principal structure, unless said structure faces two or more arterial roadways. In such instance, a second wall sign may be permitted provided the signs face different arterial roadways.
- (2) The length of a wall sign shall not exceed 20 percent of the length of the building elevation to which affixed.
- (3) Wall sign area shall be permitted as shown in [Table 208.3](#).
- (4) If freestanding signage is not to be installed, the area for any allowable wall sign area may be increased by 25 percent by approval of a Comprehensive Sign Plan.

- (5) Any lighted portion of a mansard, parapet, fascia, building elevation or similar structure shall count toward the allowable signage area defined in [Section 208.062](#).
- (6) Signs may be affixed to fuel island canopies, or canopy supports, with approval of a Comprehensive Sign Plan, provided:
 - (a) Their area, together with any other wall and incidental signage on the accompanying structure(s), does not exceed the permissible amount of area for a single wall sign.
 - (b) The area shall not exceed 10 percent of the canopy fascia area to which attached. Any lighted area on the canopy fascia shall count as sign area.
- (7) Wall signs may extend above a roofline only when attached to a parapet wall or similar structure that is an approved architectural component of the structure.
- (8) Signs affixed to marquees, mansards, canopies, awnings, etc., and to building elevations shall all be considered wall signs for purposes of the enforcing this section.
- (9) Lettering shall be a minimum of four inches tall or at least one inch tall for every fifty feet of distance from which the lettering is intended to be read, whichever is greater. Larger lettering may be required when the sign is intended to be read by motorists traveling at speeds greater than 30 miles per hour.

TABLE 208.3. Wall Sign Dimensional Requirements.

Zoning District/Use	Allowed Area
R2, R3, and T	20 SF
INST	40 SF
C1, C2, OFC, BPK, I	
Buildings with less than 50,000 SF in area	Not to exceed 10% of the area of the building elevation to which the sign will be affixed with a minimum of 20 SF.
Buildings with more than 50,000 SF in area	Not to exceed 5% of the area of the building elevation to which the sign will be affixed with a minimum of 40 SF and a maximum of 500 sf.
Notes	
1. The City reserves the right to require a reduction in the maximum permissible area, but not to less than 40 square feet, dependent upon	

the architectural characteristics of the building, site location, and land use type.

2. The City reserves the right to require a reduction up to 60 percent in permitted area when the building is determined to be Signature Architecture.

(B) Freestanding Sign

- (1) Each principal structure, excluding individual multi-family residential buildings is entitled to one (1) freestanding sign, unless stated otherwise in this Section. Sites that adjoin two (2) or more arterial roadways may have two (2) freestanding signs.
- (2) At least 75 feet of separation shall exist between all freestanding signs.
- (3) Freestanding signs shall be located outside of street, drainage, trail/sidewalk or utility easements and be placed at least five (5) feet from any property line.
- (4) The maximum area of a freestanding sign shall be a function of:
 - (a) The gross floor area of the principal structure(s) located in the development; and
 - (b) 2) The style of the sign, according to the Table 2: Freestanding Sign Dimension Requirements, unless otherwise specified in this section.
- (5) If wall signage is not to be installed, the area for any allowable freestanding sign area may be increased by 25 percent by approval of a Comprehensive Sign Plan.
- (6) If a freestanding will face property planned for residential use, the sign area shall not exceed forty (40) square feet and the height of the sign face shall not exceed six feet.
- (7) Freestanding signs may be single or double-faced. If single-faced, and the backside will be visible, the backside shall be constructed of a material and/or painted to be a neutral color that is compatible with the principal structure.
- (8) Lettering on freestanding signs shall be a minimum of four inches tall or at least one inch tall for every fifty feet of distance from which the lettering is intended to be read, whichever is greater. Larger lettering may be required when the sign is intended to be read by motorists traveling at speeds greater than 30 miles per hour.

TABLE 208.4. Freestanding Sign Dimension Requirements – Individual Letter Style Signs.

Gross Floor Area of Principal Structure	Height (ft.)		Sign Area (SF)	
	Monument	Pylon Sign	Monument	Pylon or Ground Sign
Greater than 100,000 SF	20	Not allowed	150	Not allowed
100,000 to 50,001 SF	20	25	100	60
50,000 to 20,000 SF	16	20	80	50
Less than 20,000 SF	12	20	60	40

NOTES:

1. Except for the "greater than 100,000-square-foot" category, the sign area for highway-commercial development sites (fuel stations, restaurants) that abut I-694 or I-35W may be increased up to 2 times and the sign height may be increased up to 50 percent through approval of a Conditional Use Permit or Planned Unit Development.
2. The stated sign heights and areas in this table are maximums for the three largest floor area categories. Dependent upon the architectural characteristics of a particular development, the City may require less than maximum permissible area or height.
3. The sign structure shall not exceed 75% of the permitted maximum sign area.

TABLE 208.5. Freestanding Sign Dimension Requirements – Cabinet-Style Signs.

Gross Floor Area of Principal Structure	Height (ft.)		Sign Area (SF)	
	Monument	Pylon Sign	Monument	Pylon or Ground Sign
Greater than 100,000 SF	Not allowed	Not allowed	Not allowed	Not allowed
100,000 to 50,001 SF	Not allowed	25	Not allowed	Not allowed
50,000 to 20,000 SF	12	20	60	40
Less than 20,000 SF	10	20	50	30

NOTES:

1. Except for the "greater than 100,000-square-foot" category, the sign area for highway-commercial development sites (fuel stations, restaurants) that abut I-694 or I-35W may be increased up to 2 times and the sign height may be increased up to 50 percent through

- approval of a Conditional Use Permit or Planned Unit Development.
2. The stated sign heights and areas in this table are maximums for the three largest floor area categories. Dependent upon the architectural characteristics of a particular development, the City may require less than maximum permissible area or height.
 3. The sign structure shall not exceed 75% of the permitted maximum sign area.

(C) Entrance Sign

- (1) One entrance sign is permitted per development site, unless the site has access on two or more arterial roadways. In such instance, a second entrance sign may be permitted by Comprehensive Sign Plan approval.
- (2) The area and height of an entrance sign shall be limited as shown in [Tables 208.4](#) and [208.5](#), except residential developments of 20 or more units, as below.
 - (a) INST District: As required in [Section 208.075](#).
 - (b) C1, C2, OFC, BPK, and I Districts: As permitted for monument signs listed in [Tables 208.4](#) and [208.5](#). Gross floor area shall be for the development site.
 - (c) Entrance signs in residential developments of 20 or more units shall have a maximum height of 12 feet and area not to exceed 32 square feet.
- (3) Approval of a Comprehensive Sign Plan is required to construct an entrance sign if there will be any other freestanding signs on the site, including a second entrance sign. If another freestanding sign(s) is proposed for a development, it shall be no larger than 50 percent of the area of the primary sign and not taller than 10 feet and comply with the sign dimension requirements as stated in Table 2, Freestanding Sign Dimension Requirements.

(D) Changeable Copy

Changeable Copy signs are permitted with the following standards:

- (1) Changeable copy signs shall be integrated into a freestanding sign.
- (2) The maximum area of the changeable copy shall not exceed 40 square feet of area in the C1 and C2 Districts.
- (3) The electronic copy shall be a static display using a single color and shall not scroll, flash or blink or include animated copy or graphics.
- (4) The level of illumination shall be controlled and limited as specified in [Section 208.063](#).

(E) Message Center

- (1) Message Center Signs shall be integrated into a free-standing sign that is a monument or ground style sign.
- (2) Message center signs may be permitted as part of an incidental sign in accordance with [Item F](#) below.
- (3) Only one (1) message center sign, not including those as part of an incidental sign, is permitted for each principal structure.
- (4) General Provisions
 - (a) Display

The sign message shall be displayed to allow passing motorists to read the entire copy with minimal distraction. The minimum display period for any message shall be 8 seconds.
 - (b) Audio or pyrotechnics

Audio speakers or any form of pyrotechnics are prohibited.
 - (c) Brightness
 - (i) Lighting

Lighting shall be set at a minimum level which the billboard is intended to be read and shielded to minimize glare.
 - (ii) The light level shall not exceed 0.3 foot candles above ambient light as measured from a pre-set distance depending on sign size. Measuring distance shall be determined using the following equation: the square root of the product of the message center sign area and 100. Example: 12 square foot sign $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance.
 - (iii) Dimmer control

The sign must have an automatic dimmer control that automatically adjusts the sign's brightness in direct correlation to ambient light conditions. Said sign shall be equipped with a photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed so as to be in compliance with this ordinance.
 - (iv) No portion of the message may flash, scroll, twirl, fade in or out in any manner to imitate movement.
 - (v) Display of messages shall be limited to those services offered on the property and time/temperature display.
- (5) C1, C2, OFC, BPK, and I Zoning Districts
 - (a) Maximum Area

The area of the message center sign shall be included in the maximum sign area permitted for the sign type. Message center

signs are permitted provided the maximum area does not exceed 50% of the total sign area on which it is displayed or 50 square feet whichever is less. The maximum sign area may be exceeded to comply with the minimum sign area required.

(b) Minimum Area

20 square feet

(c) Adjacency to Residential land uses

A Comprehensive Sign Plan is required for the installation of a message center sign when said property abuts or is adjacent to property that is established with residential land uses.

(d) Location and Orientation

The location and orientation of the sign shall be placed on the property in a manner that minimizes the visual impact on adjoining residential properties.

(e) Hours of display

When the sign is located on a parcel adjacent to a residential land use, said sign shall be turned off and shall not display messages between the hours of 11:00 pm and 6:00 am.

(6) INST District

(a) Message Center signs are permitted when displayed on the site of an approved public or quasi-public land use, with a Comprehensive Sign Plan.

(b) Maximum Area

The area of the message center sign shall be included in the maximum sign area permitted. The area of the message center shall not exceed 35% of the total sign area for the sign on which it is displayed or 30 square feet whichever is less. The maximum sign area may be exceeded to comply with the minimum sign area required.

(c) Minimum Area

20 square feet

(d) Location and Orientation

The location and orientation of the sign shall be placed on the property in a manner that minimizes the visual impact on adjoining residential properties.

(e) Hours of display

The sign shall be turned off and shall not display messages between the hours of 11:00 pm and 6:00 am.

(f) Color

Full color displays are permitted upon the finding that said display will not have an adverse impact on the adjoining residential land uses.

(F) Incidental Sign

Incidental signs located outside on a premise shall comply with the following requirements:

- (1) Not to exceed a total of 3 square feet in area, unless integral to and permanently included within the architectural perimeter of an approved wall or freestanding sign(s), in which case up to 6 square feet is permissible.
- (2) Incidental sign area shall count towards the total amount of permitted wall signage area.

(G) Dynamic Display Billboards

- (1) Dynamic display billboards are permitted along high volume interstate corridors where the City has land use control on each side of the interstate road right-of-way. As such, said signs may only be placed along the Interstate 694 Highway Corridor. The intent is to minimize the impact said signs may have on adjoining communities.
- (2) General Standards.
 - (a) Location and setback requirements
 - (i) Dynamic display billboards are permitted within one-hundred fifty (150) feet of Interstate 694 right-of-way and must be oriented to be read from the Interstate Highway.
 - (ii) The minimum lineal distance between dynamic display billboards located on the same side of the Interstate Highway shall be five-thousand two hundred fifty (5,250) feet.
 - (iii) The sign structure shall maintain a minimum setback of ten (10) feet from any property line.
 - (iv) The minimum lineal distance for the sign structure from any road intersection with the Interstate Highway shall be one-thousand three-hundred (1,300) feet as measured from the centerline of the road right-of-way.
 - (v) The minimum setback for the sign structure from any residential use is five-hundred (500) feet.
 - (vi) Prior to the issuance of a sign permit, a visual impact analysis may be required if the City Manager determines the proposed dynamic display billboard could have a detrimental visual impact

on a residence, residential neighborhood or obstruct the views of City Park or County Open Space from properties developed with a residential use.

(b) Use

Dynamic display billboards are permitted only on properties that are vacant and not occupied by another building or structure.

(c) Size

(i) The maximum gross surface area for each face of a dynamic display billboard shall be seven-hundred (700) square feet.

(ii) Signs may be single or double-faced.

(iii) The maximum height of the dynamic display billboard structure shall not exceed fifty (50) feet above the grade elevation of the Interstate Highway Road surface from which the sign is to be read, however, said height may be increased if the sign's visibility is obstructed by vegetation, a structure or other objects. In situations where obstructions are present, the sign height may be increased to thirty (30) feet above the height of the obstruction. In no case shall the sign height exceed seventy (70) feet above the grade elevation unless approved by the City Manager. If obstructions are present that require a greater sign height, an increase in sign height may be permitted provided the City Manager determines said height is needed to view the sign and practical difficulties are present.

(3) Design Requirements

(a) All visible sign support columns shall be concealed with an approved architectural treatment primarily consisting of natural stone, brick, approved masonry panels, stucco or architectural metal.

(b) Ground equipment and facilities shall be screened from view using landscape materials.

(c) Message Standards

(i) The images and messages must be static, and the transition from one static display to another must be direct and immediate without special effects.

(ii) Each image and message displayed must be complete in itself, and may not continue into a subsequent image or message.

(iii) Each image and message shall be displayed with minimum time duration of eight (8) seconds before changing to the next image and message.

(d) Brightness

- (i) Lighting shall be set at a minimum level necessary to provide clear viewing from the roadway in which the billboard is intended to be read and shielded to minimize glare.
- (ii) Said sign shall be equipped with a dimmer control and photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed.
- (iii) The light level shall not exceed 0.3 foot-candles above the ambient light conditions as measured a horizontal distance two-hundred fifty (250) feet from the sign face.

(e) Agreement

If the City approves a permit to install a dynamic display billboard, the permit holder, property owner and City shall enter into an agreement that identifies the terms including but not limited to:

- (i) Said sign shall display public service announcements allowing the City the ability, if the City chooses to participate, at no cost to the City, to provide public service messages.
- (ii) Said sign shall be part of the State of Minnesota's public safety alert system if said system is operable and incorporates dynamic display billboards.

(H) Transit Amenity Signs

Transit amenity signs are permitted, subject to the licensing provisions of Section 710.

208.090 Administration

208.091 Sign Permits

The procedure for obtaining a sign permit is listed in [Section 203.034](#).

208.092 Comprehensive Sign Plan

An approved Plan may vary from the design and dimensional standards set forth in the Sign Code without approval of a formal variance, provided it meets the criteria set forth in [Section 203.041](#).

(A) Comprehensive Sign Plan Required

A Comprehensive Sign Plan is required as stated in this Section when deviations are proposed from the design and dimensional standards set forth in this Section. The review procedure for Comprehensive Sign Plans is listed in [Section 203.041](#). Sign permits shall not be issued for multiple signs of a single type until a Comprehensive Sign Plan has been approved.

(B) Elements

The Comprehensive Sign Plan review shall consider five elements that shall govern all signs within the development: location, materials, size, color and illumination. The Comprehensive Sign Plan application shall include details, specifications, dimensions, and plans showing the proposed locations of signs and how such signs conform to the requirements of this Ordinance. It shall also show the computations of the maximum total sign area permitted for the site as well as any special computations regarding additional signs proposed.

(C) Allocation of Wall Sign Space

The Plan should show the allocation of permitted wall sign space among tenants and any general building sign(s). Where such allocation is not specified in the Plan, the City may issue permits for wall signs for tenants entrances, in accordance with this Ordinance, in proportion to the frontage such tenant controls on the applicable wall. The City will cease to issue permits in such cases when all available wall sign area has been committed through permits.

208.093 Enforcement

(A) Inspection Authority

All signs for which a permit is required shall be subject to inspection by a City official who is hereby authorized to enter upon any property or premise to ascertain whether the provisions of this ordinance are being obeyed. Such entrance shall be made during business hours unless an emergency exists.

(B) Removal of Obsolete Signs

Any sign which no longer advertises a bona fide business, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which sign may be found within 30 days after written notification from the Building Inspector. Upon failure to comply with such notice within the time specified in such order, the City Council may declare the sign to be a public nuisance, remove it, and assess the cost of removal to the property owner.

(C) Removal of Illegal or Nonconforming Temporary Signs

Such signs shall be removed by the property owner within 3 days of written notification from the City. Failure to comply with such notice shall be a misdemeanor. Upon failure to remove within the time specified in

such order, the sign is declared to be a public nuisance and may be removed by the City.

(D) Removal of Signs in Disrepair

The Building Inspector may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this ordinance. Upon failure to comply with such notice within the time specified in such order, the City Council may declare the sign to be a public nuisance, remove it, and assess the cost of removal to the property owner.

(E) Separate Violations

- (1) Each sign installed, erected or maintained in violation of this Ordinance shall be considered a separate violation.
- (2) Each day a sign is installed, erected or maintained in violation of this Ordinance shall be considered a separate violation.

(F) Impoundment of Signs on Public Property or Within Public Right-of-Way

The City may, at any time and without notice, order the impoundment of signs which have been installed on public property, within a public right-of-way or within a public easement. The sign owner may retrieve an impounded sign according to the following rules:

- (1) Payment of an Impoundment Release fee. Any subsequent impoundment(s), within one calendar year, for a particular property or sign owner will require payment of double the initial impoundment release fee.
- (2) Any impounded sign must be retrieved from the impound area within 30 days of the impoundment or the City will dispose of it. Any cost incurred by the City for disposal of an impounded sign shall be assessed to the property owner.
- (3) The City shall have no obligation to notify a property owner that it has impounded a sign.
- (4) The City may not be held liable for any damage to an impounded sign.

209 Nuisance

209.010 Nuisance

209.011 General Provisions

(A) Public Nuisance Prohibition

- (1) A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:
- (2) Annoys, offends, injures, or endangers the health, comfort, repose, morals, decency, peace, or safety of any considerable number of members of the public; or
- (3) Unlawfully interferes with, obstructs, or renders dangerous for passage a public waterway, park, square, street, alley, highway, or any other public property or right of way; or
- (4) Maintains property conditions that constitute a fire hazard or a physical risk to the property or persons or otherwise dangerous to human life, public safety personnel or the public welfare.
- (5) Depreciates the value of the property of a considerable number of members of the public; or
- (6) Is declared to be a nuisance by any provision of this code, any statute, or regulation.

(B) The following are hereby declared to be public nuisances affecting health and safety:

- (1) Certain ponds, pools and accumulation of stagnant water.
- (2) Accumulation of refuse or debris.
- (3) The pollution or contamination of any well or cistern, stream, lake, canal, or body of water by sewage, or industrial waste or other substance.
- (4) Of noxious weeds as defined in Minnesota Rules and other rank growth of vegetation upon private or public property including grass and weeds over nine inches in height and non-woody vegetation over 18 inches in height on vacant properties.
- (5) Accumulation in the open of discarded or disused machinery, household appliances, and furnishings, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so

accumulated, or in a manner creating fire, health or safety hazards from such accumulations.

- (6) All dangerous unguarded machinery, in any public place, or so situated or operated on private property as to attract the public.
- (7) Ice, snow, or rainwater to fall from any building or structure upon any public street or sidewalk, or to direct any rainwater or water from ice melt or snow melt so as to flow across any public sidewalk.
- (8) Any well, hole or excavation left uncovered or in such other condition as to constitute a hazard to a child or other person, being or coming upon the premises where the same is located.
- (9) Hazardous buildings, subject to the provision of [Minnesota Statute 463.16](#).
- (10) Privy vaults and garbage cans which are not rodent-free or fly tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.
- (11) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
- (12) Any offensive trade or business as defined by statute not operating under local license.
- (13) All trees, hedges, billboards, or other obstructions, which prevent people from having a clear view of all traffic approaching an intersection.
- (14) All wires and limbs of trees, or other objects that are so close to the surface of a sidewalk, trail or street as to constitute a danger to pedestrians or vehicles.
- (15) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, trails or public grounds, except under conditions permitted by this ordinance or other applicable law.
- (16) Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.
- (17) Wastewater cast upon or permitted to flow upon streets or other public property.
- (18) Obstruction to the free flow of water in a natural waterway or public stormwater system, gutter or ditch with trash or other materials.
- (19) The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
- (20) Shade Tree Nuisances

- (a) Any living or standing tree(s) to any degree with a shade tree disease or Plant Pest.
 - (b) Any logs, branches, stumps, or other parts of any dead or dying tree so infected unless such parts have been fully burned or treated under the direction of the City Manager.
 - (c) Any standing dead trees or limbs on public or private property which may threaten human health or property.
- (21) Illicit discharges or connections to the MS4 or storm drainage system.
 - (22) The overcrowding of a room or portion of a dwelling with long-term storage of items, goods, or any combustible materials so as to prevent upkeep, maintenance, or regular housekeeping. A room may be considered overcrowded when: interior storage covers an excessive amount of the floor area of a room, constitutes a potential excessive fire load, prevents access to windows or doors, prevents access to or obstructs mechanical systems or air movement, effectively eliminates use and access to required electrical devices, impedes access and movement of emergency personnel, blocks hallways, limits the operation of doors or provides pest harborage.
 - (23) Any other health or safety nuisance as declared by the City Council.

(C) Enforcement

The provisions of this regulation shall be enforced by the City's law enforcement agency or by such other officers, employees, or agents as designated by the City Council. Such officers, employees, or agents shall have the power to inspect private premises in accordance with law, and take all reasonable precautions to prevent the commission or maintenance of public nuisances. The provisions of this regulation for the abatement of nuisances shall be in addition to any other penalty or remedy provided by this code, by county ordinance, or by state statute or regulation.

209.020 Abatement Procedure

209.021 Procedure

Except as otherwise provided in [Subsection 209.011\(C\)](#) or [Section 209.024](#), whenever the officer charged with enforcement determines a public nuisance is being maintained or exists on a premise in the City, the officer shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated and abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the

time within which the nuisance is to be abated. If the notice of violation is not complied with within the specified time, the officer shall report that fact to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and order that if the nuisance is not abated within the time prescribed by the City Council, the City may seek injunctive relief by serving a copy of the Council Order and a Notice of Motion for Summary Enforcement or, obtain an administrative search warrant for access to the premises or property has been denied, and abate the nuisance. In those cases where the nuisance pertains to noxious weeds, rank growth and grass and weeds as defined in [Subsection 209.011\(B\)\(4\)](#), the City Council after notice and hearing may cause the nuisance to be abated immediately by the City. In those cases where the nuisance has been recurring and can be abated by reasonable maintenance procedures, the City Council's order to abate shall be effective for up to two (2) years.

209.022 Notice

Written notice of the violation, notice of the time, date, place and subject of any hearing before the City Council; notice of the City Council Order; and Notice of Motion for Summary Enforcement hearing shall be served by a peace officer or a designated official on the owner of record or occupant of the premises, either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.

209.023 Emergency Procedure/Summary Enforcement

In cases of an emergency where delay will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer or designated official shall determine that a public nuisance exists or is being maintained on the premise in the City and that the delay in abatement will unreasonably endanger public health, safety or welfare. The officer or designated official shall make a reasonable attempt to notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedures set forth in [Section 209.021](#) and may order that the nuisance be immediately

terminated or abated. If the nuisance is not immediately terminated or abated, the City may order summary enforcement and abate the nuisance.

209.024 Immediate Abatement

Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

209.025 Judicial Remedy

Nothing in this section shall prevent the City from seeking a judicial remedy when no other adequate administrative remedy exists.

209.030 Recovery of Cost

209.031 Record of Abatement Cost

The City Manager or his/her designee shall keep a record of the costs of abatements, including administrative costs, done under this ordinance and shall report monthly all work done to the appropriate officer for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved and the amount assessable to each.

209.032 Personal Liability

The owner of premises on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person shall be personally liable for the cost of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other City official shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the City's administrative office.

209.033 Assessment

After notice and hearing as provided in [Minnesota Statutes, Section 429.061](#), as it may be amended from time to time, if a nuisance is a public health or safety hazard on private or public the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under [Minnesota Statutes, Section 429.101](#) against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under the provisions of [Minnesota Statutes, Chapter 429](#) and any other pertinent Statutes for

certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

210 Property Maintenance

210.010 General Provisions

210.011 Scope

The provisions of this code shall apply to residential and non-residential properties and constitutes the minimum requirements and standards for the premises and structures located on the premises.

210.012 Responsibility

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

210.020 Performance Standards

210.021 Air Quality

Solid or liquid particulates shall not be emitted at any point in concentrations or amounts exceeding limitations established and adopted by the Minnesota Pollution Control Agency.

210.022 Noise

(A) Definitions

Except as provided in **Part 202**, words or phrases used in this section and defined in the Minnesota Pollution Control Agency Noise Pollution Control regulations shall have the meaning given in those regulations.

(B) Prohibited Noise

No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person or precludes his/her enjoyment of property or affects his/her property's value. This general prohibition is not limited by the specific restrictions of the following subdivisions:

(a) Motor Vehicles

No person shall operate a motor vehicle in the City in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency.

(b) Horns and Audible Signaling Devices

No person shall sound any signaling device on any vehicle except as a warning of danger.

(c) Engine Exhausts

No person shall discharge the exhaust or permit the discharge of exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable State laws and regulations.

(d) Defective Vehicles or Loads

No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

(e) Sound Amplification Devices

No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

(f) Social Gatherings

No person shall participate in any party or other gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property. When a police officer determines that a gathering is creating such a noise disturbance, the officer shall order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenants of such

premises who has knowledge of the disturbance shall cooperate with police officers and shall make every reasonable effort to see that the disturbance is abated.

(g) Loudspeakers

No person shall operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment.

(h) Animals

No person shall keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise.

(i) Schools, Churches and Hospitals

No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

(C) Hourly Restriction of Certain Operations.

(1) Recreational Vehicles

Except for emergency purposes, no person shall drive or operate any minibike, snowmobile or other recreational vehicle not licensed for travel on public highways between the hours of 10:00 p.m. and 8:00 a.m.

(2) Domestic Power Equipment

No person shall operate a power lawnmower, power hedge clipper, chain saw, mulcher, garden tiller, edger, power device for bug eradication, drill or other similar domestic power maintenance equipment except between the hours of 8:00 a.m. and 10:00 p.m. Snow removal equipment is exempt from this provision.

(3) Refuse Hauling

No person shall collect or remove garbage or refuse in any residential district except between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday.

(4) Construction Activities

No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas-powered machine or other

power equipment except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday.

(5) Consumer Fireworks

No person shall discharge any consumer firework except between the hours of 8:00 a.m. and 10:00 p.m.

(D) Receiving Land Use Standards

(1) Maximum Noise Levels by Receiving Land Use Districts.

No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in [Table 210.1](#) for the receiving land use category specified when measured at or within the property line of the receiving land use. The limits of the most restrictive district shall apply at the boundaries between different land use categories. The determination of land use shall be by its zoned designation.

Table 210.1. Sound Levels by Receiving Land Use Districts

Land Use Districts	Day (7:00AM to 10:00PM)		Night (10:00PM to 7:00 AM)	
	L10	L50	L10	L50
Residential	65	60	55	50
Commercial	70	65	70	65
Industrial	80	85	80	75

(2) Exemptions

The levels prescribed in [Item \(1\)](#) above do not apply to noise originating on public streets and alleys but such noise shall be subject to other applicable sections of this ordinance.

(E) Air Circulation Devices

(1) No person shall permanently install or place any air circulation device, except a window air conditioning unit, in any outdoor location until the City Manager or his/her designee determines that the device in that location will comply with the noise level standards prescribed in this section and issues a permit for the installation. Air circulation devices, except a window air conditioning unit, shall comply with the following setback and sound buffering requirements:

(a) Air circulation devices shall be located at least 10 feet from all property lines.

(b) Air circulation devices shall be located at least 30 feet from an adjoining residence, except a separation of as little as 20 feet may be permitted if a sound buffer is provided as approved by the City Manager or his/her designee.

(c) Sound buffers shall consist of evergreen plantings, a retaining wall, fence, and/or on-site structure such as a garage or a portion of the dwelling.

(2) The noise produced by any window unit and by any existing air circulation device shall be attenuated by means deemed appropriate by the City Manager or his/her designee, including but not limited to, relocation of such device if the noise results in or contributes to a violation of this section.

(F) Exception for Emergency Work

Noise created exclusively in the performance of emergency work to preserve the public health, safety or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance for a period not to exceed 24 hours after the work is commenced. Persons responsible for such work shall inform the City Manager or his/her designee of the need to initiate such work or, if the work is commenced during non-business hours of the City, at the beginning of business hours of the first business day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

(G) Enforcement

(1) Testing Procedures

The City Manager or his/her designee shall adopt guidelines establishing the test procedures and instrumentation to be used in enforcing the provisions of this section imposing noise standards. A copy of such guidelines shall be kept on file in the office of the City Manager or his/her designee and shall be available to the public for reference during office hours. Noise shall be measured on any property line of the tract on which the operation is located.

(2) Studies

The City Manager or his/her designee shall conduct such research, monitoring and other studies related to sound as are necessary or useful in enforcing this ordinance and reducing noise in the City. He/she shall make such investigations and inspections in accordance with law as required in applying the provisions of this chapter.

(3) Noise Impact Statements

The City Manager or his/her designee may require any person applying to the City for a change in zoning classification or a permit or license for any structure, operation, process, installation, or alteration or project that may be considered a potential noise source to submit a noise impact statement in a form acceptable to the Officer. He/she shall evaluate each such statement and make appropriate recommendations to the City Council or other agency or officer authorized to take the action or approve the license or permit applied for.

(4) Notice of Certain Violations

When the City Manager or his/her designee or the City's law enforcement agency determines that a noise exceeds the maximum sound level permitted under this section, he shall give written notice of the violation to the owner or occupant of the premises where the noise originates and shall order such person to correct or remove each specified violation.

210.023 Vibration

No development activity or operation shall at any time cause earth vibrations perceptible beyond the limits of the site on which the operation is located, except for temporary construction purposes.

210.024 Wastes

(A) PCA Regulations

All regulations developed for the control of hazardous wastes by the Minnesota Pollution Control Agency shall apply to activities taking place within the City.

(B) Sewer

Any premises used for human occupancy shall be provided with a method of sewage disposal acceptable to and maintained in accordance with City requirements.

(C) Solid Waste

All solid waste material, debris, refuse or garbage shall be kept within a completely enclosed building or properly stored in a closed container designed for such purpose and properly screened.

210.030 General Property Maintenance**210.031 General Provisions**

- (A) All structures, buildings, fences and landscaping shall be maintained so as to prevent unsightliness, health hazards, or unsafe conditions.
- (B) Grass clippings, weed clippings, and leaves shall be disposed of in a reasonable time by composting in a proper manner, hauling to a regulated composting site, or by bagging or otherwise properly containing such material until waste pick up. Composting areas shall be located in a rear yard, at least ten (10) feet from any property line, at least thirty (30) feet from any adjoining residence and designed so that seepage from the compost will not run off into public or private streets, storm sewers, drainage ditches, water retention basins, wetland areas, streams or lakes. No person shall rake or deposit grass clippings, weeds, noxious weeds, leaves, chemicals, sand or other refuse on or into a public or private street, storm sewer, drainage ditch, water retention basin, wetland area, stream or lake.
- (C) Exterior property areas shall be kept free from species of weeds or plant growth which are noxious or a detriment to public health. Noxious weeds are those defined in Minnesota Rules. Grass plots and lawn areas, including any contiguously abutting street boulevard areas, shall not exceed nine inches in height. Non-woody vegetation on vacant properties shall not exceed eighteen inches in height. Native grasses indigenous to Minnesota, planted and maintained on any occupied lot or parcel of land as part of a garden or landscape treatment are exempt from the maximum height limitation, provided the native landscaping does not interfere with traffic or pedestrian safety. Wetlands and other drainage features, pastures, and undisturbed land are exempt from this provision.
- (D) Snow-free and ice-free access shall be provided to building entries and egress doors. Storage of snow shall be maintained on the property and cannot be placed on any public street, alley, sidewalk, bike path, trailway, or adjoining private property.
- (E) Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (F) It shall be the responsibility of the owner to restore any exterior surface of any structure or building surface damaged, mutilated or defaced by any marking, carving or graffiti to an approved state of maintenance and

repair. Such repair shall be completed within ten (10) days after said defacement.

- (G) Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

210.040 Parking and Storage of Vehicles and Equipment

210.041 Parking or Storage of Commercial Usage Vehicles, Inoperable Vehicles, Unlicensed Vehicles and Vehicle Parts

Commercial usage vehicles, inoperable vehicles, unlicensed vehicles or any part or equipment appurtenant to any vehicle shall not be:

- (A) Parked or stored outdoors on lots in residential districts except for the following:
- (1) One commercial usage vehicle of over 3/4 ton carrying capacity or 9,000 pounds gross vehicle weight, but not in excess of one ton carrying capacity or 12,000 pounds gross vehicle weight, may be stored outside.
 - (2) No more than one commercial usage vehicle of any size bearing exterior evidence of commercial advertising, identification or equipment may be stored outside.
- (B) Parked or stored on lots in non-residential districts for more than 48 continuous hours, unless otherwise approved by the City or permitted within the zoning district the property is located in.

210.042 Parking or Storage of Recreation Vehicles, Boats, All Terrain Vehicles (ATV's), Snowmobiles, etc.

Recreational vehicles, boats, ATV's, snowmobiles, special purpose trailers or other vehicles designed or used for off-road purposes may be parked or stored in a garage or lawfully erected building, or may be parked or stored outdoors on lots in residential districts as follows:

- (A) No more than two such vehicles, not more than one of which is a recreational vehicle, shall be parked or stored outdoors on each lot. For the purposes hereof, a vehicle on a trailer shall be considered one vehicle.
- (B) Any such vehicle parked or stored outdoors shall be owned or leased by the occupant of the premises where parked or stored.
- (C) Any such vehicle shall not be parked or stored within five feet of a side yard lot line, or within ten feet of a rear yard property line. Vehicles may be parked within the required front setback provided vehicles are parked on

an approved asphalt, concrete or similar approved hard surface and shall not be within five feet of the front yard property line.

(D) Recreational vehicles shall not be used as temporary or permanent living quarters.

210.043 Other Vehicles

Passenger automobiles and all other vehicles not regulated by [Sections 210.041](#) and [210.042](#) may be parked or stored in a garage or lawfully erected building, or may be parked or stored outdoors as follows:

(A) Lots in Residential Districts

On an asphalt, concrete or similar approved hard surface but not within five feet of a side or front property line or within 10 feet of a rear property line. No more than four vehicles or one per licensed driver residing on the premises, whichever is more may be parked or stored outside.

(B) Lots in Non-Residential Districts

On a parking area that is asphalt, concrete or similar approved hard surface but not for periods exceeding 48 hours. Provided, however, vehicles may be stored for periods exceeding 48 hours in Districts allowing for the sale of new or used automobiles or boats on property approved by the City for use as an open sales lot or where outdoor storage of such vehicles has been approved by the City.

210.050 Outside Storage

210.051 General Provisions

All materials and equipment shall be stored in an approved fully enclosed structure except the following which may be stored outside:

(A) Laundry drying equipment and patio furniture provided it is stored in a rear or side yard and is set back a minimum of five feet from the property line, not stored within a public right-of-way, and not located closer to a public right-of-way, with the exception of alleyways, than the principal structure.

(B) Firewood provided it is stored in a rear or side yard and it is set back a minimum of five feet from the property line and is not located closer to a public right-of-way, with the exception of alleyways, than the principal structure. Storage of firewood in the front yard may be permitted for loading and unloading and shall not exceed five days. Firewood shall be stacked in a neat, orderly, safe manner and in a manner to prevent the harboring of rodents. The maximum height allowed is six feet. The

maximum amount of firewood stored on properties less than two acres shall be two cords. One cord is four feet in width by four feet in height by eight feet in length (4' x 4' x 8').

(C) Recreational Facilities and Equipment

Recreational facilities and equipment are permitted in accordance with the following:

- (1) Shall be set back at least five feet from the side and ten feet from the rear property lines.
- (2) Shall not be placed within the right-of-way or on drainage, utility or other easements.
- (3) Shall not be located closer to the public right-of-way, with the exception of alleyways, than the principal structure or in any yard facing the street on a corner lot, with the exception of basketball hoops, skateboard ramps or other facilities placed adjacent to or on a driveway or patio area.

(D) Miscellaneous Structures

Dog kennels, playhouses, and similar structures shall not be located closer than five feet from the side or rear property lines, and shall not be located closer to the right-of-way, with the exception of alleyways, than the principal structure. On through lots, miscellaneous structures shall be allowed in the rear yard.

210.060 Refuse

210.061 Standards

- (A) Refuse is considered a nuisance and/or hazardous to safety or welfare and every person shall arrange for the collection and disposal of all accumulations of refuse on their property at least once a week, by a collector of refuse, licensed by the City.
- (B) All refuse shall be properly contained in a container sufficiently designed for the storage of all refuse accumulating on the premises between collections. Refuse containers shall be kept in a tidy, sanitary and orderly manner, closed, and all refuse stored within.
- (C) Standards for the RE, R1, R1A & R2 Zoning Districts, including Planned Unit Developments that have an underlying zone of RE, R1, R1A or R2:
- (1) Refuse containers, including tree debris, shall be permitted at curbside or other permitted collection point from 12:00 p.m. of the night preceding collection day until 12:00 p.m. on the day after designated collection day.

- (2) With the exception of [Items \(C\)\(1\)](#) and [\(C\)\(3\)](#):
 - (a) Refuse containers shall be stored within an enclosed building, or in the side or rear yard immediately adjacent to a structure.
 - (3) Refuse containers shall not be stored forward of the principle or accessory structure, whichever is closer to the street.
 - (4) If the property has unique circumstances that create a practical difficulty for the property owner to store refuse containers in accordance with [Item \(C\)\(2\)](#) above, said refuse containers may be stored forward of the principle or accessory structure closest to the street provided:
 - (a) The refuse containers are immediately adjacent to the principle or accessory structure.
 - (b) The refuse containers are screened from view of the public right-of-way.
 - (c) Examples of unique circumstances may include topography, fencing, lake frontage, or single car attached garages.
 - (5) Tree waste may be stored in any yard, provided it is placed out at the curbside or other permitted collection point on the next collection day for pick-up by the waste hauler.
 - (6) Construction Dumpster Standards
 - (a) Number allowed: One construction dumpster is allowed per residential lot.
 - (b) Placement. Dumpsters may be placed in any yard or driveway provided it is setback a minimum of 5 feet from a property line, and does not impede traffic visibility and public safety. Dumpsters shall not be placed in any public street. Dumpsters placed in a private roadway shall not impede access by emergency vehicles.
 - (c) Duration.
 - (i) A dumpster located on a residential property without an associated building permit is permitted for a period not to exceed fourteen (14) calendar days and not more than two (2) times in a calendar year.
 - (ii) A dumpster located at a residential property with an associated building permit is permitted throughout the duration of the building project and must be removed within fourteen (14) days of the project completion.
- (D) Any hazardous materials must be disposed in accordance with applicable State and Federal regulations.

210.070 Housing Code

210.071 General Provisions

(A) Purpose

The purpose of the Housing Code is to establish a minimum level of maintenance standards for all housing and residential accessory structures in the City in order to:

- (1) Protect the character, value and stability of residential properties within the City.
- (2) Correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings within the City.
- (3) Provide minimum standards necessary to the health and safety of occupants of the buildings.
- (4) Provide minimum standards for the maintenance of existing residential buildings, and to thus prevent deterioration and blight.
- (5) Correct and prevent unsafe or deficient housing conditions which are a fire hazard or a physical risk to the property or persons or otherwise dangerous to human life, public safety personnel or the public welfare.

(B) Applicability and Scope

This Housing Code shall apply to exterior and interior area of all residential properties in the City. The construction, repair, alteration and maintenance of residential property shall comply with the provisions of this Code and other applicable sections of the Shoreview Municipal Code including the Building Code, the Fire Code and the Development Ordinance.

(C) Exterior Structures

The exterior of residential dwellings and accessory structures in the City shall comply with the following standards:

- (1) Foundations, Walls and Roofs. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair:
 - (a) The foundation elements shall adequately support the building at all points.
 - (b) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, substantial amounts of peeling paint and any conditions which might admit moisture,

- rodents and pests to the interior portions of the walls or to the interior spaces of the structure.
- (c) The roof structure and all of its components shall be tight and have no defects which admit water. Roof drainage shall be adequate to prevent water from causing dampness or deterioration in the walls or interior portion of the structure. Roof materials shall be compatible in color and style.
 - (d) Non-decay resistant wood shall be finished with an approved protective coating.
- (2) Stairs, Porches, Decks and Railings.
- (a) Stairs, porches, decks, railings and appurtenance attached thereto shall be maintained so as to be safe and capable of supporting a load as determined in the Building Code and shall be kept in sound condition and good repair.
 - (b) A flight of stairs which has four (4) or more risers high shall have hand rails which are to be so designed and located as determined by the Building Code; and
 - (c) Stairs, porches, decks, railings and appurtenance attached thereto shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, substantial amount of peeling paint and any conditions which might admit moisture to the interior portions of any structure and free of conditions that show lack of maintenance.
- (3) Windows, Doors and Hatchways
- (a) Windows, exterior doors and hatchways shall be substantially tight and shall be kept in sound condition, good repair and weather tight.
 - (b) Windows, doors and frames shall be maintained in relation to the adjacent wall constructions, as to exclude rain, and substantially to exclude wind from entering the structure.
 - (c) Window and Screens
 - (i) Windows shall be fully supplied with window panes which are without open cracks or holes.
 - (ii) Window screens shall be kept in a good state of repair without holes or tears. During the period of April 1 to October 31, every door, window and other outside openings of habitable rooms shall be supplied with tightly fitting screens.
 - (d) Window sashes shall be in good condition and fit reasonably tight within its frame. Windows designed to be opened and closed shall

be capable of being held in an open or closed position by window hardware.

(4) Doors and Hatchways

(a) Exterior doors, door hinges and door latches shall be in good condition.

(b) Exterior doors, when closed, shall fit reasonably well within its frame.

(c) Hatchway shall be so maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.

(d) Doors available as an exit in a dwelling shall be capable of being easily opened from the inside.

(5) General

The exterior of all residential dwellings and accessory structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All exterior surfaces, including, but not limited to, siding, doors, door and window frames, porches, trim, soffits and fascia, eaves and gutters, balconies, decks and fences shall be maintained in good condition.

(D) Interior of Structures

The interior of residential structures, including common areas of multi-family dwellings in the City shall comply with the following standards:

(1) Interior Walls, Floors, Ceiling and Woodwork

Interior walls, floors, ceilings and associated woodwork or trim must be maintained in a sound condition and in workmanlike repair. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(2) Hallways

The width of hallways shall be not less than 36 inches. The height of hallways shall not be less than 7 feet nominal, with clearance below projections from the ceiling of not less than 6 feet and 8 inches nominal, except existing approved hallways shall be permitted to continue use as a hallway.

(3) Number of Means of Escape

In any dwelling or dwelling unit of two rooms or more, means of escape shall be provided in accordance with the following:

(a) Primary Means of Escape

- Every sleeping room and living area shall have a primary means of escape. This escape shall be a door, stairway or ramp providing a means of unobstructed travel with a minimum of three feet (3') unobstructed travel path from the egress and exit to the outside of the dwelling unit or street ground level.
- (b) Secondary Means of Escape
Except as provided in [Item \(c\)](#) below, every sleeping room shall have a secondary means of escape which shall be a door, stairway or ramp or window with a minimum of three feet (3') unobstructed travel path from the egress and exit to the outside of the dwelling unit or street ground level, or an outside window conforming to the requirements of the Minnesota State Building Code.
- (c) A secondary means of escape shall not be required when there is a door leading directly to the outside of the building at or to ground level; or when the dwelling unit is protected by an approved automatic sprinkler system; or when there is an existing approved means of escape.
- (d) Doors and windows that provide the primary and/or secondary means of escape shall be immediately accessible and must be operable and able to open freely and completely.
- (4) Access
- (a) Where access is permitted by way of windows, the windows shall be arranged and maintained so as to be easily opened.
- (b) There shall be no obstructions by railings, barriers or gates that divide the open space into sections appurtenant to individual rooms, apartments or other occupied spaces.
- (c) In every occupied building or structure, means of egress from all parts of the building shall be maintained free and unobstructed with a minimum of three feet (3') unobstructed travel path. Means of egress shall be accessible to the extent necessary to ensure reasonable safety for occupants having impaired mobility.
- (5) Stairs and walking surfaces
Every stair, ramp, landing or other walking surface, including carpeting and other surfaces shall be maintained in sound condition and good repair and not be a tripping hazard.
- (6) Plumbing systems
Plumbing systems shall be maintained in good working order, and must be kept free from obstructions, leaks and defects.

- (7) Connected to water and sewer system
Kitchen sinks, lavatory basins, bathtubs, or showers and water closets shall be properly connected to either the municipal water and sewer system or to an approved private water and sewer system, and shall be supplied with hot and cold running water.
- (8) Heating Facilities
Single and multiple family dwellings shall have heating facilities which are safely maintained and in good working condition. Said facilities shall be capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein. The heating facilities shall be capable of maintaining a minimum room temperature of seventy (70) degrees Fahrenheit (twenty-one (21) degrees Celsius) at three (3) feet above the floor in all habitable rooms including bathrooms and under all weather conditions.
- (9) Electrical service, outlets, and fixtures
Residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the structure and dwelling units in accordance with the provisions of the Building Code. Electrical outlets and fixtures shall be maintained and connected to the source of electrical power in accordance with the provisions of the Building Code.
- (10) Light and ventilation
No owner shall use or occupy or allow another to use or occupy any residential structure, including common areas of multi-family dwellings, for the purpose of living, sleeping, cooking, and/or eating therein which does not comply with the provisions of the Building Code for light and ventilation. Lighting and ventilation shall be maintained in sound condition and workmanlike repair.
- (11) Fire safety
- (a) No owner shall use or occupy or allow another to use or occupy any residential structure, including common areas of multi-family dwellings which does not comply with the applicable provisions of the Uniform Fire Code and all accepted standards for safety from fire.
- (b) Smoke Alarms
Single or multiple-station smoke alarms shall be installed and maintained in accordance with International Fire Code Section 907.2.10 and [Minnesota State Statute 299F.362](#).

(c) Carbon Monoxide Detectors

Every single-family dwelling and every multifamily dwelling unit shall be provided with an approved and fully operational carbon monoxide alarm within ten (10) feet of each room lawfully used for sleeping purposes in accordance with [Minnesota Statutes 299F.50](#) and [299F.51](#).

(12) Cleanliness

Residential structures, including common areas of multi-family dwellings, and dwelling interiors shall be maintained in clean and sanitary condition, free of accumulations of combustible materials, garbage and refuse so as not to breed insects and rodents, produce dangerous gases, odors and bacteria, mold or other unsanitary conditions, or create a fire hazard.

(13) Common Solid Waste Disposal Facilities

Interior solid waste disposal facilities designed for common use by occupants of multi-family residential structures shall be maintained in sound condition and workmanlike manner. Waste shall be disposed of in a timely manner to prevent the accumulation of garbage and refuse.

(14) Elevators and Related Devices

Elevators shall be maintained in accordance with Minnesota Rules Chapter 1307, Elevators and Related Devices.

(E) Extermination

(1) Infestation

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(2) Owner

The owner of any structure shall be responsible for extermination within the structure or dwelling unit prior to renting or leasing the structure.

(F) Interior Storage

- (1) Combustible materials shall not be stored within three (3) feet of open flame heat sources such as furnaces, water heaters, woodstoves and fireplaces.

- (2) Clearance between other heat or flame sources and combustible materials shall be maintained in a manner that does not constitute a fire hazard.
- (3) Combustible materials shall not be stored in hallways, stairways, and landings unless a minimum of three (3) feet unobstructed travel is provided.
- (4) Rooms within the dwelling unit, other than those identified in [Item C](#) below may be used for storage purposes provided a minimum of three feet (3') unobstructed travel is provided to doors and windows.
- (5) Storage shall be maintained two (2) feet or more below the ceiling.

(G) Room Function

- (1) Interior storage shall not interfere with the primary function of the following rooms: kitchen, bathroom(s), living room, hallways, bedrooms that are used for sleeping purposes.
- (2) Kitchen
The dwelling unit shall have permanently installed cooking (oven and stove), and refrigerator, including freezer, that is in safe operating condition.

(H) Housing and Code Enforcement Officer

It shall be the duty of the City Manager to enforce the provisions of code.

(I) Inspections

The Housing and Code Enforcement Officer shall be authorized to make or cause to be made inspections to determine the condition of dwellings and premises in the City under this code in order to safeguard the health, safety and welfare of the public. The Housing and Code Enforcement Officer, or his designated representatives, shall be authorized to enter any dwelling or premises at any reasonable time for the purpose of performing his duties under this code. If the owner, operator or person in possession of the dwelling shall refuse to consent to the inspection and there is probable cause to believe that a violation exists within the particular structure, a search warrant may be obtained.

(J) Access by owner or operator

Every occupant of a dwelling shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling unit, rooming unit or its premises, at reasonable times, for the purpose of affecting inspection and maintenance, making such repairs, or making such alterations as are necessary to comply with the provisions of this code.

(K) Compliance Orders

- (1) Whenever the Enforcement Officer determines that any dwelling, dwelling unit or rooming unit in the City under this code, or the premises surrounding any of these, fails to meet the provisions of this code, he may issue a compliance order setting forth the violations of the code and ordering the owner, occupant, operator or agent to correct such violations. This compliance order shall:
 - (a) Be in writing.
 - (b) Describe the location and nature of the violations of this code.
 - (c) Establish a time for the correction of such violation.
 - (d) Be served upon the owner, his agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, agent or upon any such occupant, if a copy thereof is:
 - (i) Served upon him personally, or
 - (ii) Sent by registered or certified mail to his last known address or
 - (iii) Upon failure to effect notice through (i) or (ii) above, as set out in this section, posted at a conspicuous place in or about the property which is affected by the notice.

(2) Transfer of Ownership

It shall be unlawful for the owner of any property, dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of said property, dwelling or structure to another until the provisions of the compliance order or notice of violation have been complied with or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the City and shall furnish to the City a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(L) Posted to Prevent Occupancy

Whenever any dwelling or dwelling unit does not comply with the minimum standards of [this Division](#) and is found to be unfit for human habitation and otherwise dangerous to life, health, safety and welfare of the occupants, public safety personnel or the public welfare, the dwelling or dwelling unit shall be posted with a placard by the City Manager to

prevent occupancy. Any person who occupies a placarded premises, and the owner or any person responsible for the premises, who allows occupancy of the placarded premises shall be liable for the penalties provided by this code.

211 Building and Fire Code

211.010 Building Code

211.011 Adoption of Minnesota State Building Code

The Minnesota State Building Code, as adopted by the Minnesota Commissioner of Administration, pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75 including any optional chapter hereinafter specifically adopted; and including all amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administrator through its Building Codes and Standards Division is hereby adopted by reference and incorporated as if fully set forth herein, and shall be known as the Shoreview Building Code.

211.012 Building Code – Optional Chapter

The following optional provision, as identified in the most current addition of the Minnesota State Building Code, is hereby adopted and incorporated as part of the Shoreview Building Code:

(A) 1306. Special fire protection system with (Subpart 2) for new construction.

211.020 Building Permits

211.021 Applications

In addition to information required by the Building Code, permit applications shall include the following information:

(A) Plot Plan and Certificate of Survey

Application shall be accompanied by two (2) copies of a plot plan showing the correct location of the proposed buildings with respect to the lot lines and also the correct location of all other buildings existing or proposed to be constructed on the lot. This plan shall also show the proposed location of water supply, sanitary facilities, existing and proposed grade elevations, and proposed disposal of surface water. In the case of unplatted land, the plot plan shall show that the location of all buildings to be erected shall not obstruct future street extensions or preclude future subdivisions and development of the property. A certificate of survey by a registered land surveyor may be required for any lot which is to be occupied by a principal building.

(B) A Stormwater Pollution Prevention Plan, as per **Subsection 207.074(B)**.

(C) Plans and Site Plans

- (1) Application for permits for single family residences shall be accompanied by two (2) copies of the plans and specifications clearly illustrating and specifying the work to be done, and such plans shall be so complete as to fully illustrate the character of the proposed work.
- (2) Certain Plans Required
Applications for permits for any building or structure (other than single family residences) shall include the following plans:
 - (a) Complete details of the proposed site development, including, but not limited to, location of buildings, driveways, parking spaces, dimensions of the parking spaces, dimensions of the lot, lot area and yard dimensions.
 - (b) Complete landscaping plans including species and size of trees and shrubs proposed.
 - (c) Complete plans for proposed sidewalks to service parking, recreation and service areas within the proposed development.
 - (d) Complete plans for proposed storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area.
 - (e) Complete architectural, structural, electrical and mechanical plans for the proposed buildings.
 - (f) Complete plans and specifications for exterior walls finishes and surfaces proposed for all principal and accessory buildings.
 - (g) Complete data as to dwelling units, sizes and ratios of dwelling units to total lot space.
 - (h) Any additional data requested on forms furnished by the City Manager.
- (3) Proof of Ownership
Applicants for building permits to construct, enlarge, alter, repair, demolish or move commercial and industrial structures or residential structures containing more than two dwelling units, shall supply proof of ownership for the property for which the permit is requested in a form acceptable to the City Attorney. Proof of ownership shall not be required for permits to construct, alter, repair, demolish, or move sheds, shelters, unattached garages, driveways, sidewalks or fences.

211.022 Buildings

Except as provided herein, only one principal building shall be constructed on each lot within the City:

(A) Buildings per lot

The City Council may approve more than one building on a single lot in the PUD, INST, MU-C, MU-N, MU-TC, and R3 districts as part of an approved Planned Unit Development or Site and Building Plan review.

(B) Building Permits - Residential District

The City Council may approve more than one building permit for a dwelling unit on a single lot in a Residential District if all of the following criteria have been satisfied by the applicant:

- (1) A preliminary plat has been approved by the City Council and the building permits are requested to allow construction of model homes on lots within the approved preliminary plat before a final plat approval.
- (2) Each model home will be constructed with a different exterior and/or floor plan.
- (3) The lots for which the building permits are requested shall have available to them City streets, sanitary sewers, water and storm sewers constructed according to City specifications.
- (4) The buildings shall be connected to the approved sanitary sewer and water systems before the structures are occupied for any purpose of either a permanent or temporary nature.
- (5) The applicant shall comply with all landscaping and erosion control measures required by the City Building Inspector which shall be specified on each building permit. The applicant shall deposit cash with the City equal to 1 and 1/2 times the estimated cost of compliance prior to the issuance of building permits and shall agree that the City can utilize the cash deposit for landscaping and erosion control if the applicant fails to comply.
- (6) The number of building permits authorized pursuant to this section shall be specified by the City Council at the time of preliminary plat approval but shall not exceed an amount equal to 10% of the proposed lots rounded to the next highest whole number, or 4, whichever is less.

211.023 Exterior Improvements

- (A) All exterior improvements of a structure, or portion thereof, to single family dwellings, multiple family dwellings of twelve (12) units or less or any structure accessory to a residential use shall be completed in accordance with City-approved construction plans within one hundred eighty (180) days after the date the City issued the building permit.

- (B) All exterior improvements of a structure, or portion thereof, to multiple family dwellings of more than twelve (12) units or any commercial, industrial, office, institutional or non-residential structure shall be completed in accordance with City-approved construction plans within one (1) year after the date the City issued the building permit.
- (C) In all cases, the compliance deadline shall be upheld unless a written extension is submitted and approved by the Building Official. An extension may only be granted in the event that a natural disaster or a calamitous event occurs which unavoidably delays the completion of the building project. The decision of the Building Official may be appealed to the Planning Commission, who acts as the Board of Adjustments and Appeals.

211.024 Other Improvements

A zoning permit shall be required for the structures exempt from Minnesota State Building Code requirements but regulated within this Development Ordinance including but not limited to, decks and platforms less than 30 inches above adjacent grade and not attached to a structure with frost footings; driveways; fences; patios; sheds less than 200 square feet in size; sidewalks and swimming pools.

211.025 Permit Fees

Permit fees for general construction; driveways and sidewalks; structures and buildings; moving of a building or dwelling into, out of, or from one location to another within the City; wrecking or demolishing of a building; and fences shall be as prescribed from time to time by City Council resolution on file with the City Manager.

211.026 Plan Review Fee

When the Building Official determines that the review of plans and specifications for a particular construction or structure is necessary, a plan review fee shall be paid to the City in addition to any other building permit fee; provided that, plan review fees shall not be charged for the construction of single and double family residential dwellings unless the estimated value of such construction exceeds \$15,000. Plan review fees shall be as prescribed, from time to time, by City Council resolution on file with the City Manager.

211.030 Fire Code**211.031 Adoption of Codes and Standards**

The Minnesota State Fire Code as adopted by the Minnesota Commissioner of Public Safety pursuant to Minnesota Statute 299F.011 and as defined by Minnesota Rules Section 7510.3290 through 7510.3480 shall be applicable within the City of Shoreview subject to the following modifications:

(A) More Restrictive Standards Apply

If there is a conflict between the standards contained in the Minnesota State Fire Code, the Minnesota State Building Code, and/or the Shoreview Municipal Code, the provisions of the more restrictive regulation shall be applicable and prevail.

(B) Balcony-Patio Cooking Devices

The Minnesota State Fire Code, Article 11, shall be amended by adding Section 11.117 to read as follows:

No person shall use a cooking device of any kind, which utilizes an open flame in combination with charcoal or a similar combustible material to generate a flame or heat, on any balcony or patio which is attached to or within fifteen (15) feet of any building in which there are two or more dwelling units on more than one level, unless each dwelling unit has its own private means of ingress and egress, or unless the decking, railing, overhang, and wall or walls abutting and adjacent to the balcony or patio are constructed of noncombustible material.

(C) Open Flame Prohibited

In any structure containing 3 or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of the structure, provided that, listed electric gas fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the fire chief.

(D) Fuel Storage Prohibited

No person shall store or use any fuel, barbeque, torch, or other similar heating or lighting chemical or device in the locations designated in [Item C](#) above.

(E) Fireworks.

Permit Required.

(a) Commercial Fireworks

No person shall use or display commercial fireworks without a permit, as provided in [Subsection 707.020\(A\)](#).

(b) Consumer Fireworks

No person shall sell or store consumer fireworks without a license, as provided in [Subsection 707.020\(B\)](#).

(F) Codes and Standards on File

One copy of each code or standard referred to in [Division 211.030](#) shall be marked "Official Copy" and shall be kept on file in the office of the Building Official for use and examination by the public.

211.032 Enforcement

(A) The Fire Chief shall enforce the provisions of the Shoreview Fire Code.

(B) The Fire Chief may designate members of the Fire Department as Inspectors.

211.033 Appeals

Whenever the Fire Chief denies a permit request, or issues an order or notice as provided in the Fire Code, or when it is claimed that the Fire Code has been wrongly applied or interpreted, the aggrieved person may appeal the decision of the Fire Chief as follows:

(A) The aggrieved person must first request the Fire Chief to reconsider the decision within ten (10) business days from the date of the Fire Chief's initial decision. The Fire Chief shall take final action within ten (10) business days of receiving said appeal.

(B) The person aggrieved by the Fire Chief's final action may then file a written appeal with the City Manager. The appeal to the City Manager must be made within ten (10) business days from the date of the Fire Chief's final action. The City Manager shall take final action within ten (10) business days of receiving said appeal.

(C) The person aggrieved by the City Manager's final action may then file a written appeal with the City Council. The appeal to the City Council must be made within ten (10) business days from the date of the City Manager's final action. The City Council shall take final action within thirty days of receiving said appeal.

(D) The person aggrieved by the decision of the City Council may appeal to the State Fire Marshal in accordance with [Minnesota Statutes, Section 299F.011, Subdivision 5](#).

211.034 Penalty

Any person violating any provisions of the Shoreview Fire Code or any order made pursuant thereto, shall be guilty of a misdemeanor. Each days' violation after notice thereof shall constitute a separate offense.

211.035 Severability

If any section, subsection, sentence, clause or phrase in the Shoreview Fire Code is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Shoreview Fire Code.