

Sec. 36-361. Off-street parking areas, paved areas, and loading spaces.

(a) Purpose. The purpose of regulating off-street parking, paved areas and loading spaces is to prevent congestion on public rights-of-way for the safety and welfare of the public. The regulations are created through analysis of the associated land use intensity, duration, time and style and result in design requirements and standards for such facilities.

(b) Permits. The construction of any unenclosed off-street parking area of five or more spaces shall require a parking lot permit, unless review is completed as part of another Planning Application. The application for such a permit shall include the application form, fee, site plan and stormwater calculations.

(c) Required quantity. Parking space requirements are established in Table 36-361(a) and (b). For uses not listed, the off-street parking requirements shall be established by the Zoning Administrator based upon the characteristics and functional similarities between uses including, but not limited to: the size of building, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles. For structures containing multiple uses, each shall be calculated separately. The requirements may be revised upward or downward by the City Council as part of an application for a Conditional Use Permit or Planned Unit Development based on verifiable information pertaining to parking.

- (1) Required parking spaces must be located on the same lot as the principal use, unless shared parking or off-site parking is approved for the use.
- (2) The number provided for required parking spaces shall be the minimum requirement listed in Table 36-361(a), except where otherwise noted.

Table 36-361 (a)

Use	Number of Parking Spaces
Residential	
Single family dwelling	Two spaces per dwelling unit. Additional spaces are not required for a boarder or an accessory dwelling unit.
Cluster housing	Two spaces per dwelling unit. 10% of the required parking shall be permitted for use as guest parking.
Two family	Two spaces per dwelling unit. Additional spaces are not required for a boarder or an accessory dwelling unit.
Multi-family	Per unit: <ul style="list-style-type: none"> • Studio - 1 space • One bedroom – 1 space • Two bedroom – 1.5 spaces • Three bedroom – 2 spaces • Four bedroom – 2 spaces An additional 5% of the required parking shall be provided for guest parking.
Age-restricted housing	One space per dwelling unit, except where verifiable information indicates a reduced long-term parking demand.
Human Care Uses	
Adult day care	Two spaces per each five program participants licensed by state.
Funeral home	One space per each 250 square feet floor area, plus one space for every five seats.
Group day care, nursery school	One space per each two employees, plus one per each 10 program participants based on total participant capacity of the facility.
Group homes	Two spaces per each five beds.
Hospitals	One space per each 350 square feet floor area.
Medical or dental office	For structures less than 2,500 square feet floor area, one space per each 250 square feet floor area. For structures greater than 2,500 square feet floor area, one space per each 200 square feet floor area.
Nursing home	Five spaces, plus one space per each five beds.
Institutional Uses	
Community center	Parking requirement shall be based upon uses within the building.
Libraries, museums, art	One space per each 300 square feet floor area in principal structure.
Golf	Two spaces per golf hole.
Archery or golf range	One space per each target or tee.
Mini golf	One and one-half spaces per hole.
Police stations	One space per each 1000 square feet floor area.
Places of public assembly or religious institutions	One space per each three seats, plus one space per each 25 square feet of dining or bar area. A single seat on a bench is equal to 28 inches. 50% of the requirement may be provided off site at another property within 750 feet of entrance.
Elementary and junior high schools	Two spaces per each classroom.
High school and post-secondary schools	One space per each four students based on building capacity, plus one space for each two classrooms.

Use	Number of Parking Spaces
Commercial Uses	
Animal hospitals and kennels	One space per each 200 square feet floor area, but not fewer than five spaces.
Bank	One space per each 250 square feet floor area
Bed and breakfast	Two spaces, plus one space per each room for rent.
Catering	One space per each 500 square feet floor area.
Coffee shop	One space per each 200 square feet floor area.
Convention or exhibit halls	One space per each three seats based on design capacity. A single seat on a bench is equal to 28 inches.
Food service or bakeries	One space per 25 square feet customer floor area.
Hotel / Motel / Rooming house	One and one-half spaces per each dwelling unit, guestroom, or hotel room.
Motor fuel station	Three spaces. Multiple uses shall be calculated separately.
Motor vehicle service	Four spaces per each service bay.
Offices or medical and dental labs	Less than 50,000 square feet floor area: one space per each 250 square feet floor area. Between 50,000 square feet floor area and 200,000 square feet floor area: one space per each 275 square feet floor area. Between 200,000 square feet floor area and 400,000 square feet floor area: one space per each 300 square feet floor area. Greater than 400,000 square feet floor area: one space per each 325 square feet floor area.
Open sales or rental lots	One space per each 2,500 square feet customer service area.
Outdoor seating as an accessory use	Parking will be required at the same rate as the principal use for that portion of the outdoor seating area that exceeds the lesser of the total number of provided indoor seats or 25% of total gross floor area of the principal use.
Bowling alley	One space per each bowling lane.
Pool hall or video arcade	One space per each 25 square feet customer area.
Skating rink or auction house	50 spaces, plus one space for each 100 square feet of floor area in excess of 2,000 square feet.
Sport/health club, studio, pool	One space per each 200 square feet non-court area. Two spaces per tennis/racquetball court. One space per each 50 square feet deck area for a swimming pool.
Theatre, auditorium, assembly halls	One space per each four seats. A single seat on a bench is equal to 28 inches.
Restaurants, sit-down	One space per each 60 square feet floor area.
Restaurants, fast food	One space per each 100 square feet floor area.
Taproom or micro distillery cocktail room	One space per each 100 square feet floor area.
Retail store, grocery, and service establishment where > 25% gross floor area is customer area	Minimum: One space per each 250 square feet floor area. Maximum: One space per each 150 square feet floor area.
Large merchandise retail	One space per each 500 square feet floor area.
Retail where < 25% gross floor area is customer area	One space per each 100 square feet of customer service area.

Use	Number of Parking Spaces
Shopping centers	One space per each 250 square feet floor area. Grocery stores and theaters shall be calculated separately. Restaurants and food service shall be calculated separately unless the shopping center exceeds 20,000 square feet in size and no wait-staff is present, and the use constitutes less than 25% of the shopping center’s floor area. Maximum: One space per each 150 square feet floor area.
Studios	One space per each 400 square feet floor area.
Post office customer service	One space per each 25 square feet customer service area for the first 600 square feet plus one per each 180 square feet thereafter.
Industrial Uses	
Manufacturing, fabrication, or processing	Five spaces plus one per each 500 square feet floor area.
Outdoor storage	One space per each 20,000 square feet of area devoted to outdoor storage.
Post office or parcel delivery service	10 spaces, plus one space per each 500 square feet floor area devoted to office, processing, or service, plus one space for each vehicle kept on the premises.
Self-storage facility	One space per each fifty storage compartments.
Showrooms	One space per each 500 square feet floor area.
Warehouse	One space per each 1,500 square feet floor area.

Ord. No. 2637-21, 12-6-21

- (3) The parking minimum and maximum requirements in Table 36-361(b) are applicable to the MX-2 district instead of those listed in Table 36-361(a) in the following manner:
 - a. All new structures or the expansion of an existing structure located in the MX-2 district shall be subject to the minimum and maximum parking requirements specified in Table 36-361(b).
 - b. Structures on January 10, 2020, are not subject to the minimum and maximum parking requirements specified in Table 36-361(a) or Table 36-361(b). However, the number of parking spaces that exist on the property cannot be reduced unless the parking spaces are relocated to another property in accordance with the shared parking requirements located within this section.

Table 36-361 (b)

Land Use Category	Required Off-Street Minimum	Required Off-Street Maximum
Residential		
Multifamily	1 space/dwelling unit	2 spaces/dwelling unit
Age-restricted housing	1 space/dwelling unit	2 spaces/dwelling unit
Human Care Uses		
Adult day care	1 space/employee on largest shift OR 1 space/500 square feet of gross floor area, whichever is largest	1 space/employee on largest shift OR 1 space/200 square feet of gross floor area, whichever is largest
Group day care, nursery school	1 space/employee on largest shift OR 1 space per 500 square feet of gross floor area, whichever is largest	1 space/employee on largest shift OR 1 space per 200 square feet of gross floor area, whichever is largest
Group homes	1 space/4 beds	1 space/2 beds
Medical or dental office	1 space/500 square feet floor area in excess of 4,000 square feet (min. 4 spaces)	1 space/200 square feet floor area
Nursing home	1 space/employee on largest shift +1 space/6 beds	1 space/employee on largest shift plus 1 space/3 beds
Institutional Uses		
Community center	Parking requirement based on uses within the building.	Parking requirement based on uses within the building
Libraries, museums, art	1 space/450 square feet floor area in principal structure.	1 space/ each 300 square feet floor area in principal structure.
High school and post-secondary schools	1 space/classroom + 1 space per 5 students of legal driving age based on the maximum number of students attending classes at any one time	2 spaces/ classroom + 1 space per 3 students of legal driving age based on the maximum number of students attending classes at any one (1) time
Commercial Uses		
Bank	1 space/250 square feet floor area	1 space/200 square feet floor area
Catering	1 space/500 square feet floor area.	1space/500 square feet floor area.

Coffee Shop	1 space/200 square feet floor area.	1 space/100 square feet floor area.
Food Service or Bakeries	1 space/300 square feet floor area.	1 space /150 square feet floor area
Hotel	1 space/3 guest rooms + parking equal to 10% of the capacity of persons for an affiliated use on site (i.e., dining or meeting rooms)	1 space/guest room + parking equal to 30% of the capacity of persons for an affiliated use on site (i.e., dining or meeting rooms)
Offices or medical and dental labs	1 space/500 square feet floor area in excess of 4,000 square feet	1 space/250 square feet floor area
Bowling alley	1 space/250 square feet floor area	1 space/100 square feet floor area
Pool hall or video arcade	1 space/250 square feet floor area	1 space/100 square feet floor area
Sport/health club, studio, pool	1 space/500 square feet floor area in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 space/ 200 square feet floor area
Theatre, auditorium, assembly halls	1 space/4 attendees	1.5 spaces/4 attendees
Restaurants - fast food	1 space/300 square feet floor area	1 space/75 square feet floor area
Restaurants - sit down	1 space/300 square feet floor area	1 space/75 square feet floor area
Brewery/food hall	1 space/150 square feet floor area	1 space/75 square feet floor area
Retail store, grocery, and service establishment where > 25% gross floor area is customer area	1 space/400 square feet floor area.	1 space/400 square feet floor area
Retail where < 25% gross floor area is customer area	1 space/250 square feet floor area.	1 space/150 square feet floor area.
Studios	1 space per 400 square feet floor area.	1 space per 200 square feet floor area.
Industrial Uses		
Manufacturing, fabrication, or processing	1 space/ employee on largest shift or 1 space/1,200 square feet floor area whichever is greater +1 space/vehicle normally stored or parked on the site	1 space/500 square feet floor area +1 space/ vehicle normally stored or parked on the site
Showrooms	1 space/500 square feet	1 space/200 square feet
Warehouse	1 space/2 employees on largest shift or 1 space/ 1,500 square feet floor area whichever is greater	1 space/500 square feet floor area

(Ord. No. 2578-19, 12-16-19; Ord. No. 2598-20, 11-16-20; Ord. No. 2637-21, 12-6-21)

(d) The requirements may be revised upward or downward by the city council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.

(e) Reductions. The following off-street parking reductions may be utilized jointly or separately except as indicated otherwise:

- (1) Transit deductions. Only one of the following deductions may apply:
 - a. Parking requirements may be reduced based on the proximity to a light rail station (LRT). Distance shall be measured from the station platform to the property line by walking distance via sidewalk, trail, and/or city centerlines.
 - i. 30 percent reduction when the use is located up to $\frac{1}{4}$ mile from the LRT station.
 - ii. 20 percent reduction when the use is located up to $\frac{1}{2}$ mile from the LRT station.
 - b. High frequency bus service. Parking may be reduced by up to 15 percent for any parcel located within one-quarter mile of high-bus transit with service at least every 15 minutes. The service must operate between 6 a.m. and 7 p.m. on weekdays and 9 a.m. and 6 p.m. on Saturdays.
 - c. Regular bus service. Parking may be reduced by up to 10 percent for any parcel located within one-quarter mile of regular bus transit service on all days of the week and adequate pedestrian access must be available between the transit stop and the parcel. Regular transit service shall operate at least twice hourly between 7:30 a.m. and 6:30 p.m. on weekdays and once hourly after 6:30 p.m. Regular transit service shall operate on Saturdays, Sundays, and holidays.
- (2) On-Street Parking. Parking may be reduced on a one-for-one basis through the use of on-street parking adjacent to the parcel. To qualify, adequate pedestrian access must be available between the principal structure and all on-street parking spaces. On-street parking reductions may be approved by the Zoning Administrator, subject to a determination by the City Engineer that adequate off-street parking will be available to accommodate vehicles during snow removal and other periods of parking restrictions.
- (3) Travel Demand Management. In those instances where no transit or on-street parking reductions are available, parking may be reduced by five percent through the implementation of a travel demand management plan. Such a plan shall be filed with and approved by the Zoning Administrator and may be subject to yearly review.

(Ord. No. 2637-21, 12-6-21)

(f) Electric vehicle supply equipment. 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.

- (1) Definitions.
 - a. *Accessible electric vehicle charging station* means 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* means an electrical component, assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- c. *Battery electric vehicle* means 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* means 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* means 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)* means 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* means 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* means an electric vehicle charging station that is:
 - 1. Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
 - 2. Privately owned and available to visitors of the use (e.g., shopping center parking).
- i. *Electric vehicle supply equipment (EVSE)* means 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* means 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* means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

- I. *'Electrical capacity'* shall mean, 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.
- (2) Number of required electric vehicle charging stations.
- a. All new or reconstructed parking structures or lots with 14 or fewer parking spaces shall be allowed, but not required, to install EVSE.
 - b. All new or reconstructed parking structures or lots with at least 15 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.
 - i. Multiple-family residential land uses shall have 10% of required residential parking served by ECVSs with at least 5% as Level 2 stations. At least one handicapped accessible parking space shall have access to an EVCS.
 - ii. Non-residential land uses with parking spaces available for use by the general public shall have two Level 2 stations. At least one handicapped accessible parking space shall have access to an EVCS.
 - c. 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.
 - i. Multiple-family residential land uses shall have 10% of required residential parking as Level 2 stations. At least one handicapped accessible parking space shall have access to an EVCS.
 - ii. Non-residential land uses with parking spaces available for use by the general public shall have at least 5% of required parking as Level 2, 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.
 - d. All new or reconstructed motor fuel stations as defined in Section 36-142(d)(20) shall be required to install at least one additional Level 2 charging station.

- e. 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:
 - i. 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 50% of required parking spaces.
 - ii. 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 50% of required parking spaces.
 - f. These requirements may be revised upward or downward by the city council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.
- (3) Reductions to EVSE requirements. When the cost of installing EVSE required by this Chapter would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the EVSE requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Zoning Administrator may administratively approve a reduction the required amount of EVSE in order to limit the EVSE installation costs to not more than five percent of the total project cost.
- (4) Permitted Locations.
- a. 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.
 - b. DC EVCSs are permitted in the non-residential districts, when accessory to the primary permitted use.
 - c. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a motor fuel station for zoning purposes. Installation shall be located in zoning districts which permit motor fuel stations.
- (5) General Requirements for Single-Family Residential Zoning Districts.
- a. EVSE shall be located in a garage, or on the exterior wall of the home or garage adjacent to a parking space.
 - b. EVSE shall comply with all relevant design criteria as outlined in section (5)d, unless specifically exempted.

- (6) General Requirements for Multi-Family Residential and Non-Residential Development Parking.
- a. 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.
 - b. EVSE – public use shall be subject to the following requirements:
 - i. The EVCSs shall be located in a manner that will be easily seen by the public for informational and security purposes.
 - ii. 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.
 - c. Lighting. Site lighting shall be provided where EVSE is installed unless charging is for daytime purposes only.
 - d. Equipment Design Standards.
 - i. 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.
 - ii. Electric vehicle charging devices may be located adjacent to designated parking spaces in a garage or parking lot provided the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
 - iii. 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.
 - iv. EVCS pedestals shall be designed to minimize potential damage by accidents, vandalism and to be safe for use in inclement weather.
 - e. Usage Fees. The property owner may collect a service fee for the use of EVSE.
 - f. 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.

(Ord. 2551-19, 1-22-19; Ord. 2637-21, 12-6-21)

(g) Bicycle Parking. 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. All new, expanded, or reconstructed parking structures or lots shall install bicycle parking as required below.

- (1) General requirements.
 - a. Bicycle parking may be provided using the following approaches:
 - i. Bicycle racks: open-air devices to which a bike is locked, suitable for short-term visitor and customer parking.

- ii. Bicycle lockers: stand-alone enclosures designed to hold one bicycle per unit, preferred for sites that require all-day bicycle parking.
 - iii. Bicycle lockups: site-built secure enclosures that hold one or more bicycles, best for residents' and employees' all-day or long-term bicycle storage.
 - b. The city encourages the use of the "inverted U" type bike rack. Other bike rack designs must provide for:
 - i. Supporting the bicycle frame at two locations, not including either wheel.
 - ii. Allowing both the frame and at least one wheel to be locked to the rack.
 - iii. Allowing the use of either a cable or U-type lock.
 - iv. Bicycles which are equipped with water bottle cages.
 - v. Bicycles which are not equipped with kickstands.
 - vi. All types and sizes of bicycles, including various types and sizes of frames, wheel sizes and tire widths.
 - c. All bicycle racks or lockers must be securely anchored to the ground or building structure.
 - d. Bicycle racks or lockers shall be placed on a level, pavement, or concrete surface.
- (2) Location criteria for bicycle racks.
- a. Bicycle racks shall be placed near building entrances, generally within 50 feet.
 - b. Bicycle rack placement should allow for visual monitoring by people within the building and/or people entering the building.
 - c. Bicycle racks shall be located to avoid conflicts with pedestrians.
 - d. 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.
- (3) Number of required bicycle parking spaces.
- a. Where the minimum number of required bicycle parking spaces is not specifically listed for an individual use, the zoning administrator shall determine the minimum number of required spaces. The zoning administrator shall consider functional similarities between uses where a parking requirement is listed in the chapter and the proposed use in determining the requirement.
 - b. Residential Uses.
 - i. Single-family and Two-family Uses. No bicycle parking spaces are required.
 - ii. Multiple dwelling. One bicycle parking space per dwelling unit, plus one bicycle parking space per ten automobile parking spaces.
 - c. 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.
 - d. Institutional Uses. One bicycle parking space per ten automobile parking spaces, except that schools must provide one bicycle parking space per ten students.

(h) Shared Parking. Shared off-street parking facilities can collectively provide parking in any district for more than one structure or use, subject to the following conditions:

- (1) The uses shall have their highest peak demand for parking at substantially different times of the day or week, or an adequate amount of parking shall be available for both uses during shared hours of peak demand.
- (2) The minimum spaces required under a shared parking agreement shall be based on the number of spaces required for the use that requires the most parking.
- (3) A shared parking agreement shall be filed with the city. The terms of the shared parking agreement shall include, at a minimum:
 - a. The hours, size, and a description of the operation of each of the tenants.
 - b. A dimensioned site plan showing the location and number of parking spaces.
 - c. A plan for remediating conflicts between tenants. The plan shall identify the property owner or designee as being responsible for administering and enforcing the agreement.
 - d. A statement acknowledging that the city may deny a proposed use or expansion of an existing use if it deems the site does not have sufficient parking.
 - e. The plan shall be signed by the property owner.

(Ord. No. 2637-21, 12-6-21)

(i) Proof of parking. If it is demonstrated that the required parking is in excess of the actual demand, all of the required parking need not be constructed initially. Any spaces not constructed, as shown on the site plan, shall be constructed when determined necessary by the Zoning Administrator or at such a time as the property owner determines necessary. The area of future parking shall be landscaped, but that landscaping shall not be used to satisfy landscaping requirements. To ensure construction of the future spaces, a financial or other guarantee may be required by the city.

(j) Off-site parking. Off-site parking shall require a conditional use permit, subject to the following conditions:

- (1) Paved pedestrian access shall be provided and maintained between the off-site parking facility and the principal structure.
- (2) The off-site parking facility shall be located no further than 300 feet from a residential structure and no further than 500 feet from a non-residential structure. Shuttle service may be provided as an alternative means of access for non-residential uses.
- (3) Off-site parking facilities shall be protected by an irrevocable covenant recorded by the county. A certified copy of the recorded document shall be provided to the Zoning Administrator within 60 days after approval of the agreement by the city council.

(k) Parking area use. Required parking spaces and the driveways providing access to them shall not be utilized for the following:

- (1) Storage of unlicensed or inoperable motor vehicles, other goods, or snow.
- (2) Display, sales, rental or repair of motor vehicles or other goods.
- (3) Loading and unloading of vehicles.

- (4) Living space, unless required parking spaces are provided elsewhere.
- (5) Aisles and driveways shall not be used for any purpose that would for any period of time prevent vehicle access to parking spaces or inhibit circulation or emergency service response. (Ord. No. 2578-19, 12-16-19)

(l) Bonuses. If 50 percent or more of all required off-street parking spaces are provided underground, the following bonuses shall apply:

- (1) For each underground space, 300 square feet shall be added as lot area for the purpose of determining permitted ground floor area.
- (2) The height added to the principal structure by any floor that is totally used for parking in or under the principal structure shall not be included to determine the size of the required yards.

(m) Design requirements.

- (1) Access and location. Parking areas shall have access to a public alley or street. Driveways shall be located to minimize interference with traffic movement.
- (2) Parking spaces. Required parking spaces shall be 8.5 feet wide and 18 feet long. However, where modifications are determined appropriate by the Zoning Administrator as a result of a need for compact or oversize parking spaces, up to 20% of the spaces may be designated as a different size. Unless alternative requirements are designated by the Zoning Administrator, parking spaces shall be served by access drives with minimum dimensions provided as follows:

PARKING LOT DIMENSIONS

Table 36-361 (c)

<i>Stall Angle (degrees)</i>		<i>Curb Length (feet)</i>	<i>Vehicle Projection (feet)</i>	<i>Aisle Width (feet)</i>	<i>Total Width (feet)</i>
45	Standard	12.0	18.5	13.0*	50.0
	Compact	11.5	17.0		
60	Standard	10.0	20.0	15.0*	55.0
	Compact	9.5	18.0		
75	Standard	9.0	20.5	18.0*	59.0
	Compact	8.5	17.5		
90***	Standard	8.5	18.0	24.0	60.0**
	Compact	8.0	16.0		
Parallel	Standard	23.0	8.5	22.0	38.0
	Compact	21.0	8.0		

(Ord. No. 2578-19, 12-16-19)

* One-way aisles only.

** When parking is provided within a parking ramp, the total bay width may be reduced to 58 feet.

*** In a C-1 district the minimum aisle width may be reduced to 22.0 feet and a minimum total width of 58.0 feet, with the condition that aisles less than 24.0 feet wide shall provide a minimum curb length of 9.0 feet. (Ord. No. 2466-15, 5-18-15)

- (3) Handicapped parking spaces. The size, number and location of stalls reserved for handicapped parking shall be provided and identified as required by applicable regulations.
- (4) Turnaround. All parking areas except those serving one-family and two-family dwellings on local streets shall be designed so that cars do not have to back into the public street.
- (5) Surfacing. All driveways and all areas intended to be utilized for parking spaces shall be constructed of bituminous asphalt, concrete, or pavers. Such surfacing shall be approved by the City Engineer and maintained in good repair.
- (6) Walkways. Required parking areas for six or more vehicles shall have walkways separated from the parking area and surfaced with bituminous asphalt, pavers, or concrete to provide access from parking areas to the entrances of buildings.
- (7) Drainage. All parking or paved areas shall be adequately served by storm sewer or other approved stormwater facilities. Such facilities shall be approved by the City Engineer.
- (8) Lighting. Required parking areas for six or more vehicles shall meet the following lighting requirements: (Ord. No. 2558-19, 5-6-19)
 - a. Parking lots:
 - i. Parking lots shall provide an average horizontal illumination not to exceed 3.0 footcandles.
 - ii. The average illumination shall not exceed 1.0 footcandle between 10 p.m. to 6 a.m., or 30 minutes past business hours, whichever is later.
 - b. Parking structures:
 - i. The average horizontal illumination in fully enclosed parking ramps shall be at least 5.0 footcandles.
 - ii. The average horizontal illumination in partially enclosed parking structures shall not exceed 3.0 footcandles.
 - iii. The top level of parking structures shall comply with the same lighting requirements as parking lots when uncovered and open to the sky.
 - iv. When the parking structure uses motion-activated lighting, the maximum average horizontal illumination level shall not exceed 1.0 footcandle when no motion is detected.
- (9) Curbs. A six-inch-high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where the City Engineer determines that a curb would impede the drainage plan.
- (10) Yards. Required parking areas shall be subject to the following requirements:
 - a. In the R-4 and R-C districts, parking areas shall be subject to the requirements for front yards and side yards abutting a street.
 - b. In the C-2, O, I-P and I-G districts, parking areas shall be permitted in the front yard and side yards abutting a street, provided that the yard shall not be reduced to less than five feet. (Ord. No. 2466-15, 5-18-2015)
 - c. In the C-1 district (Ord. No. 2560-19, 6-17-19; Ord. No. 2598-20, 11-16-20):

i. Parking spaces and drive aisles shall not be located between a building and a street, except that a through lot may have parking between the building and less prominent street, as determined by the Zoning Administrator.

ii. The minimum yard requirement for parking spaces and drive aisles shall be zero (0.0) when located adjacent to a non-residential district.

iii. The minimum yard requirement for parking spaces and drive aisles shall be eight feet when abutting a residentially zoned property.

iv. The minimum yard requirement for parking spaces shall be five feet when adjacent to a street. (Ord. No. 2466-15, 5-18-15)

(11) Residential Parking Location. Required parking spaces in the R-1, R-2, and R-3 districts shall be subject to the following requirements:

- a. Required parking shall be located in an enclosed structure or behind the front of the principal structure.
- b. Required parking shall not be permitted in a front yard, except where no other location for parking is possible.
- c. Required parking shall be located on the same lot as the structure housing the principal use, except for religious institutions and condominiums.

(12) Each parking space shall open directly to an aisle or driveway. Tandem parking spaces, however, may be established for:

- a. Single-family and two-family residences.
- b. Commercial and multiple family residential uses if approved with a parking management plan and as part of the site plan of a conditional use permit or planned unit development.

(Ord. No. 2578-19, 12-16-19)

(n) Maintenance. All off-street parking areas shall be maintained in good repair.

- (1) All parking areas containing four (4) or more parking spaces or containing angled parking shall have the parking spaces clearly marked on the pavement, using minimum four-inch-wide painted lines or other marking devices approved by the city engineer. Such markings shall conform to the approved parking plan and shall be maintained in a clearly legible condition. No parking facilities shall be marked in a manner that reduces the number of parking stalls to less than the number required by this zoning ordinance.

(Ord. No. 2578-19, 12-16-19)

(o) Off-street loading facilities.

- (1) Loading zones. The off-street loading requirement for nonresidential buildings with less than 20,000 square feet may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area and access to the loading zone area shall be provided which does not conflict with automobile circulation to, from or within the site.
- (2) Loading docks, berths, and facilities.
 - a. Loading dock. A minimum of one loading dock shall be provided for nonresidential buildings with 20,000 square feet or more in floor area.
 - b. Loading facility. A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.

- c. Location. All loading berth curb cuts shall be located 25 feet or more from the intersection of two street rights-of-way. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, unless it is entirely within a building. Loading facilities shall not occupy the required front yard. In situations where access to the loading berth is directly from the street and no other practicable means of access exist, this screening requirement shall not apply.
- d. Size. A loading dock shall have a berth area at least 12 feet wide and 55 feet long.
- e. Access. Each loading berth location shall permit vehicular access to a street or public alley in a manner which will least interfere with traffic.
- f. Surfacing. All loading facilities and accessways shall be paved with bituminous or concrete paving to control the dust and drainage.
- g. Screening. All berths shall be screened from view from the adjoining streets and any property in an R district. The screening shall consist of a minimum 10-foot-high wall and landscaping. Walls shall be designed to be harmonious with the principal structure. (Ord. No. 2384-10, 5-28-10)
- h. Accessory use. No required loading berth or access drive shall be used for the storage of goods or inoperable vehicles. It may not be included as a part of the space necessary to meet the off-street parking requirements.

(Code 1976, § 14:6-1.0; Ord. No. 2167-00, 5-15-2000; Ord. No. 2168-00, 5-15-2000; Ord. No. 2196-01, 4-2-2001; Ord. No. 2202-01, § 2, 8-20-2001; Ord. No. 2220-02, § 2, 3-18-2002; Ord. No. 2234-02, § 2, 12-2-2002; Ord. No. 2248-03, 8-18-2003; Ord. No. 2312-06, 4-14-2006; Ord. No. 2326-07, 5-7-2007; Ord. No. 2384-10, 5-28-2010; Ord. No. 2449-13, 11-15-2013; Ord. No. 2466-15, 5-18-15; Ord. No. 2551-19, 1-22-19; Ord. No. 2558-19, 5-6-19; Ord. No. 2560-19, 6-17-19; Ord. No. 2578-19, 12-16-19; Ord. No. 2596-20, 10-19-20; Ord. No. 2598-20, 11-16-20; Ord. No. 2637-21, 12-6-21)

Sec. 36-362. Sign regulations.

(a) Purpose. The purpose of this section is to establish minimum requirements for the size, placement, and maintenance of signs by adoption of regulations governing all signs in the city. The sign regulations are intended to permit a safe, efficient, effective, and aesthetic means of communication using signage which recognizes the need to maintain an attractive and appealing appearance of property in the community, including that property used for residential, commercial, industrial, institutional, public development use, and the air space above and between those uses. These regulations are intended to permit signage which is adequate for effective communication but minimizes distractions to traffic and prevents visual clutter and visual pollution which can be caused by the unregulated use of signage.

(b) Findings. The city finds that:

- (1) The manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community.
- (2) An opportunity for identification of community business and institutions must be established.

- (3) The safety of motorists, cyclists, pedestrians, and other users of the public streets and property are affected by the number, size, location, and appearance of signs that divert the attention of drivers.
- (4) Installation of signs on the tops of buildings constitutes a hazard during periods of high winds and is an obstacle to effective firefighting and other emergency services.
- (5) Uncontrolled and unlimited construction and placement of permanent and temporary signs adversely affects the image and aesthetic attractiveness of the community and undermines economic value and growth.
- (6) Uncontrolled, abandoned and unlimited signs, particularly temporary signs, which are commonly located in or near public rights-of-way or at driveway and street intersections, result in roadside clutter, obstruction of views of oncoming traffic, and a visual distraction to drivers and pedestrians.
- (7) Electronic signs, including video display signs, are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, are highly distracting to drivers and driver distraction continues to be a significant underlying cause of traffic accidents.
(Ord. No. 2384-10, 5-28-10)

(c) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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

Billboard and off-premises sign means a permanent sign located outdoors, that is readable from adjacent properties including public rights-of-way, and whose message advertises a product, service, business, event or activity which is not offered for sale, rent or does not take place on the premises on which the sign is located. Off-premises signs do not include multi-tenant identification signs that advertise tenants on a different property provided such tenants are within the same approved PUD and parking is shared between properties. (Ord. No. 2350-08, 03-28-08)

Commercial message means any message which identifies a business or product or promotes the sale of any product or service.

Courtesy bench means any bench licensed by the city and in compliance with chapter 8 of this Code.

Decorative banner means a piece of fabric attached to a pole or building wall as a decorative display of color to enhance the architecture of a building or a site which does not contain a commercial message.

Direct lighting means an illuminated sign where the source of light is visible.

Height means the distance measured perpendicularly from the highest point of the sign structure to the grade level of the ground directly below that point or the grade level of the centerline of the nearest adjacent roadbed, whichever grade level is higher.

Indirect lighting means an illuminated sign where the sign reflects the light from an external source.

Internal lighting means an illuminated sign having the source of illumination located inside a translucent panel which is not directly visible.

Scoreboard - a sign associated with an athletic field that includes information and/or statistics pertinent to an on-site game or activity and includes any sponsor or identification panels.
(Ord. No. 2350-08, 03-28-08)

Sign means any written message, pictorial presentation, number, illustration, decoration, flag, banner, or other device that is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term "sign" shall not include landscaping, or the architectural embellishment of a building not intended to communicate information. For purposes of maintenance or removal, the term "sign" shall also include frames and support structures.
(Ord. No. 2350-08, 03-28-08)

Sign area means the area in square feet of all faces of the sign panel, including the frame. Each message shall be considered to be a sign. If individual letters are mounted directly on a wall, canopy or awning without a frame, the sign area shall be the area in square feet of the smallest rectangle, which encloses the sign message or logo. The sign area of a freestanding multiple face or volumetric sign shall be determined by totaling the area of all faces. The maximum aggregate or total sign area on a lot shall include the sign area of all signs.

Sign, blade means a wall sign that projects away from the wall at an angle sufficient to provide visibility to at least two sides of the sign.

Sign, canopy/awning means a visual message on an awning or canopy which is constructed according to the requirements of the building code, is an integral part of the building, and is consistent with the architecture and design of the building.

Sign, changing means a sign whose message can be readily changed, by manual means.
(Ord. No. 2384-10, 5-28-10)

Sign, Electronic - any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure, or any other component of the sign. This includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images, displays or video. (Ord. No. 2384-10, 5-28-10)

Sign, flashing means any sign, which emits a blinking or flashing light, or creates the illusion of blinking or flashing light by means of animation. (Ord. No. 2384-10, 5-28-10)

Sign, freestanding means a sign, which is self-supporting usually by uprights placed on or in the ground.

Sign, Garage sale means a sign advertising a garage sale per section 36-82(b)(9).

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

Sign, off-premises and billboard means a permanent sign located outdoors, that is readable from adjacent properties including public right-of-ways, and whose message advertises a product, service, business, event or activity which is not offered for sale, rent or does not take place on the premises on which the sign is located. Off-premises signs do not include multi-tenant identification signs that advertise tenants on a different property provided such tenants are within the same approved PUD and parking is shared between properties. (Ord. No. 2350-08, 03-28-08)

Sign, permanent means any sign that is not a temporary sign, real estate sign, political sign, project information sign or pedestrian sign.

Sign, pedestrian means a temporary sign, which is constructed of durable materials and is designed to be readily moved from one location to another (ex. sandwich board sign or any item containing a message). For purposes of this ordinance, any sign mounted to, or conveyed by means of, a vehicle shall not be considered a pedestrian sign.

Sign, political means a temporary sign, which advertises or promotes a candidate for public office, a political party, an issue to be considered in a public election or any other message not classified as a commercial message. (Ord. No. 2391-10, 11-12-10)

Sign, private directional means a sign, which includes no advertising placed on private property for the purpose of regulating, guiding, warning traffic or persons, or providing other safety information.

Sign, project information means a temporary directional sign displayed during the time that a construction project on a public roadway or in an approved redevelopment district is underway.

Sign, public means any sign defined as a traffic control sign in the Highway Traffic Regulation Act M.S.A. § 169.97 et seq., any identification sign installed in a public park by a public authority, or any other identification, regulatory, or warning sign approved by the city council for installation on public land.

Sign, real estate means a sign which advertises the development, sale, lease or rental of land or buildings. A real estate sign is designed to be displayed for a limited period of time and is not permanently fixed to the land or a structure. Real estate signs may be constructed of paper, cloth, canvas, wood, or any other light and non-durable material.

Sign, rooftop means a sign attached to any roof or any sign attached to a building in any other manner that allows more than ten percent of its area to extend above the wall or parapet wall of the side of the building on which the sign is located.

Sign, rotating means a sign or a portion of a sign which moves in a rotating, oscillating or similar manner. (Ord. No. 2384-10, 5-28-10)

Sign, temporary means a sign designed to be displayed for a limited period of time that is not permanently fixed to the land or a structure.

Sign, wall means a sign attached to or erected against an exterior wall surface of a building or structure.

Supergraphics means any mosaic, mural, painting or graphic art or combination thereof which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession or business, or any logo, trademark, trade name, or other commercial message. (Ord. No. 2250-03, 9-2-03)

(d) Exempt signs. The following signs are exempt from the provisions of this section:

- (1) Public signs.
- (2) The United States flag, other national flags, the flags of all the states of the United States and the city flag.
- (3) Supergraphics, except that a permit shall be required.
- (4) A building address which does not exceed 12 inches in height.

- (5) Signs on courtesy benches if they comply with the requirements of chapter 8 of this code.
- (6) Signs on vehicles when the vehicle is being used in the normal day-to-day operation of a business.

(Ord. No. 2250-03, 9-2-03; Ord. No. 2594-20, 10-19-20)

(e) Prohibited signs. The following signs are prohibited in all use districts:

- (1) Flashing signs.
- (2) Signs on or over the public rights-of-way unless the city council grants permission for a temporary sign on or over the public rights-of-way for a period of time not to exceed ten days.
- (3) Searchlights, beacons, strobe lights or other illuminated signs emitting a beam consisting of a collection or concentration of rays of light.
- (4) Rooftop signs.
- (5) Rotating signs.
- (6) Billboards.
- (7) Off-premises signs.
- (8) Inflatable signs and tethered balloons.
- (9) Signs mounted on chimneys, rooftop equipment, observation towers, flagpoles, cooling towers, elevator penthouses, commercial antennas, communication towers, belfries, church spires and cupolas.
- (10) Signs, including the sign structure or any other component of the sign, that rotate, revolve, scroll, move, flash, blink, fade, or are animated. (Ord. No. 2384-10, 5-28-10)
- (11) Illuminated signs at residential properties with four or fewer dwelling units.

(Ord. No. 2594-20, 10-19-20; Ord. No. 2602-21, 1-4-21)

(f) General provisions. Subject to the following regulations, signs are a permitted accessory use in all use districts:

- (1) *Permit required.* A sign permit shall be issued prior to the installation of any sign.
 - a. Exception. Real estate signs less than 10 square feet in area, political signs and garage sale signs are exempt from the permit requirements.
 - b. Submission requirements. The following information shall be submitted prior to a sign permit being issued:
 - i. Application form and fee. A fee shall be charged per sign, except that decorative banners and private directional signs less than 4 square feet per sign face shall be charged one fee per proposal submitted for review and approval.
 - ii. Site plan and building elevations, if applicable.
 - iii. Two sets of drawings for each sign that is proposed. (Ord. No. 2250-03, 9-2-03)
 - c. Sign permits shall be null and void if the sign is not installed 180 days after the issuance of a permit. (Ord. No. 2384-10, 5-28-10)

- (2) *Required yards.* Sign shall maintain a 10-foot minimum yard to property line unless exempted below:
- a. In the C-1, C-2, BP, MX-1, and MX-2 districts the required yard for any sign less than 200 square feet in sign area shall be 5 feet. (Ord. No. 2449-13, 11-15-2013)
 - b. In the C-1, C-2, MX-1, and MX-2 districts, a blade sign may project into the required front yard if the sign meets the following requirements:
 - i. The sign is attached to a wall in such a manner that meets the building code; and
 - ii. The lowest portion of the sign is no closer than 8 feet to the ground; and
 - iii. The sign shall not extend higher than the lowest portion of a window of a residential unit located on the second story of a mixed use building.
 - iv. No portion of the sign shall extend more than 5 feet into the required yard, and in no instances shall the sign project into the public right-of-way.
 - v. The portion of any sign face extending into the required yard does not exceed 40 square feet.
- (Ord. No. 2320-06, 12-1-06)
- c. Except as allowed under (3)b of this section, a wall sign may extend into the required yard a distance not to exceed 18 inches, and a canopy or awning sign may extend into the required yard as allowed by Section 36-73(a)(5) and Section 36-73(b)(3), except that structures that do not meet the current front or side yard requirements shall place signs flush against the front or side walls.
 - d. A sign may be placed on the face of an existing canopy or awning located on a structure classified as conforming or lawful nonconforming use if the sign does not extend above the top or below the bottom of the vertical portion of the canopy or awning face.
 - e. Real estate signs meeting the standards set forth in Section 36-362(h)(1).
 - f. Private directional signs meeting the standards set forth in Section 36-362(h)(2).
 - g. Pedestrian signs meeting the standards set forth in Section 36-362(h)(4).
 - h. Decorative Banners meeting the standards set forth in Section 36-362(h)(5).
 - i. Political signs meeting the standards set forth in Section 36-362(h)(6).
 - j. Project Information signs meeting the standards set forth in Section 36-362(h)(7).
 - k. In the I-P district the required front yard for a freestanding sign shall be 20 feet. The required side yard abutting a street for a freestanding sign shall be 15 feet. (Ord. No. 2271-04, 5-17-04)
- (3) *Freestanding signs.* Except for private directional, project information, real estate, political, decorative banners, and temporary signs, no more than one freestanding sign shall be permitted on an individual street frontage of a lot or PUD site.
- (4) *Parking areas.* Signs shall not be placed in or restrict access to required parking spaces or loading berths.

- (5) *Multi-tenant building.* The property owner or the property owner's designee shall be responsible for allocating the allowable sign area among the tenants of a multi-tenant building. If the property owner does not allocate the sign area, the city may do so based on the proportion of floor area or tenant frontage occupied by each tenant.
- (6) *Lighting.* All signs must meet the following standards:
- a. Direct rays or glare of light from an illuminated sign shall not be visible from public right-of-way or property other than that on which the illuminated sign is located. Any external source of illumination must be provided with shields or lenses which concentrate the light onto the sign.
 - b. Brightness Standards:
 - i. The sign shall not be brighter than is necessary for clear and adequate visibility.
 - ii. The sign shall not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
 - iii. The sign shall not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
 - iv. The sign shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face.
 - v. Electronic signs installed after May 28, 2010 shall meet the following standards:
 - a. A mechanism that immediately turns off the sign if it malfunctions.
 - b. A mechanism that automatically adjusts the illuminative brightness of the display according to existing ambient light conditions.
 - c. The sign shall not exceed a brightness level of 0.3-foot candles above ambient light as measured from 100 feet from the sign. All measurements shall be taken with the meter pointing at the sign and perpendicular to the sign face. The ambient light level shall be taken with the sign off. The sign brightness level shall be taken with the sign displaying a full white screen.
 - vi. The electronic sign must be certified as complying with the brightness standards and the malfunction provision. The Certification must come from the sign manufacturer or other qualified individual and must be submitted with the sign permit application and at any time thereafter as requested by the city.
 - vii. The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city.
- (Ord. No. 2384-10, 5-28-10)
- (7) *Electrical wiring.* The electrical energy used to illuminate freestanding signs may not be from an overhead source but must be buried underground. The conduit and wiring to all signs must be concealed.

- (8) *Wind load.* All signs shall be designed and constructed to withstand wind loads of at least 30 pounds per square foot of area and the dead loads required by the building code and other ordinances of the city.
- (9) *Anchoring.* All signs shall be safely and securely anchored to their supporting structure. All attachments and movable parts shall be securely fastened. No sign shall be anchored to another sign.
- (10) *Bracing.* All signs shall be constructed with internal or hidden bracing. External bracing shall be eliminated whenever practicable. Exposed wire, cable and chain braces are prohibited.
- (11) *Glass.* All glass must be safety or tempered glass and designed and installed to withstand a wind load of 30 pounds per square foot.
- (12) *Durable Materials.* All permanent sign faces and supports shall be made of durable materials. Canvas, cloth, and similar materials such as flexible vinyl, are not allowed except for canopies and temporary signs other than pedestrian signs. Awnings shall be constructed of heavy canvas fabric, metal, and/or glass. Plastic, vinyl, and backlit awnings are prohibited. All permanent wood signs must be constructed of durable hardwood products. The wood must be treated against rot and decay, and cannot be constructed of plywood, chipped wood, hardboard, fiber board or similar materials. Sign support structures shall not be constructed of wood. (Ord. No. 2560-19, 6-17-19)
- (13) *Maintenance.* All signs shall be kept in good repair and free from peeling paint, rust, damaged or rotted supports or framework, broken or missing faces, facing, or missing letters. Faded or torn canopies, awnings and banners shall be removed or replaced. If faded or torn canopies, awnings and banners are not removed or replaced by the owner within 30 days of notification by the city, the city may remove them and assess the cost of removal to the property.
- (14) *Maintenance grounds.* The premises surrounding all ground signs shall be maintained by the property owner or tenant of the property on which they are located in a safe, clean, and sanitary condition free and clear of all rubbish and weeds.
- (15) *Removal and repair.* Any structure from which a sign has been moved or removed shall be repaired with a material which matches the existing background.
- (16) *Removal of painted signs.* Any structure from which a painted sign is removed shall be repainted, sandblasted, or treated in a manner which makes the former sign not visible. The surface from which the sign was removed, shall be refinished in a manner to match the surrounding surface.
- (17) *Signs not to be traffic hazard.* No sign shall be installed in a way that obstructs clear vision of persons using the streets or at any location that, because of its position, shape, or color, interferes with, obstructs the view of, or may be confused with any authorized traffic sign, signal, or device. No sign, other than public or project informational signs, shall be visible from a public street which makes use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol, or character which may interfere with, mislead or confuse persons using the public streets.
- (18) *Pedestrian clearance.* Any sign which projects over a sidewalk or other pedestrian way must be not less than eight feet above ground level.

- (19) *Sign area and height.* The allowable sign area and height are established by table 36-362A in this subsection (f)(20) and adjustments to table 36-362A in subsection (g) of this section according to the parcel size or PUD site size and use district in which the sign is located.
- (20) *Noncommercial speech.* Any non-commercial message may be substituted for any commercial message on any sign allowed under the Code, subject to the same regulations applicable to such signs.

(Ord. No. 2250-03, 9-2-03; Ord. No. 2271-04, 5-17-04; Ord. No. 2594-20, 10-19-20; Ord. No. 2598-20, 11-16-20; Ord. No. 2637-21, 12-6-21)

**TABLE 36-362A
SIGN AREA AND HEIGHT**

<i>Use District & Lot Size (sq ft)</i>	<i>Maximum Sign Height (feet)</i>	PERMANENT SIGNAGE		TEMPORARY SIGNAGE	REAL ESTATE SIGNAGE
		<i>Maximum Total Area (sq ft)</i>	<i>Maximum Size of Sign Face (sq ft)</i>	<i>Maximum Total Area (sq ft)</i>	<i>Maximum Total Area (sq ft)</i>
R-1	6	2	2	6	6
R-2	6	2	2	6	6
R-3					
0-15,000	6	2	2	6	6
Over 15,000	6	25	25	25	60
R-4					
0-30,000	10	40	40	25	80
Over 30,000	10	60	60	25	80
R-C					
0 - 30,000	15	60	40	25	80
Over 30,000	15	100	60	25	80
C-1					
0 -10,000	25	100	75	80	80
10,000 - 20,000	25	150	100	80	80
Over 20,000	25	200	150	80	80
C-2/MX-1/MX-2					
0 -10,000	25	100	75	80	80
10,000 - 20,000	25	200	100	80	80
20,000 - 50,000	25	250	150	80	80
50,000 - 200,000	25	300	150	80	80
Over 200,000	25	400	300	80	80
O					
0 - 20,000	25	100	100	80	80
20,000 - 50,000	25	200	100	80	80
50,000 - 100,000	25	300	150	80	80
Over 100,000	25	500	300	80	80
I-P /I-G/ BP					
0 - 20,000	25	100	75	80	80
20,000 - 50,000	25	200	100	80	80
50,000 – 100,000	25	250	150	80	80
100,000– 200,000	25	300	300	80	80
Over 200,000	25	400	300	80	80
POS					
0-30 acres	15	80	60	80	0
Over 30 acres	25	450	150	80	0

(Ord. No. 2320-06, 12-1-06; Ord. No. 2350-08, 03-28-08; Ord. No. 2439-13, 4-1-2013; Ord. No. 2449-13, 11-15-2013; Ord. No. 2473-15, 7-20-2015; Ord. No. 2498-16, 9-6-16; Ord. No. 2598-20, 11-16-20)

(g) Adjustments to table 36-362A. Signs which qualify for any adjustment permitted under this section shall conform to all other sections of this chapter.

- (1) In an R district, identification signs may be permitted for religious institutions, libraries, museums, art galleries, schools, golf courses, country clubs, community centers, colleges, universities, hospitals, and sanitariums in excess of the size allowed in table 36-362A based on the following criteria:
 - a. *Size.* The sign shall be proportional to the size of the facility, need for signage, street frontage, location, visibility, and development in the area. The maximum sign size shall not exceed 20 square feet per sign face on a local street, 40 square feet per sign face on a minor collector street, and 60 square feet per sign face on any other street frontage.
 - b. *Height.* No freestanding sign shall exceed 15 feet high.
 - c. *Lighting.* Signs shall be lighted only by backlighting, internal lighting or indirect lighting.
 - d. *Design.* The materials and design of signs shall be integrated with the site and buildings on the site by using compatible materials and consistent design features. If freestanding, the sign shall be placed in a landscaped bed equal in area to twice the size of the combined sign faces.
 - e. *Sign purpose.* The principal purpose of any sign permitted under this section shall be to identify the public or institutional use made of the property.

(Ord. No. 2498-16, 9-6-16)

- (2) For any building not located in an R district which is eight or more stories or 85 or more feet in height, the maximum size for any one sign may be increased to 400 square feet, if the sign is located on the wall of the building more than 75 feet above the ground.
- (3) The maximum size for any one real estate sign may be increased to 200 square feet for any building not located in an R district which is six or more stories or 65 or more feet in height, if the sign is located on the wall of the building more than 55 feet above the ground.
- (4) In the C-1, C-2, O, BP, MX-1, MX-2, PUD, I-G and I-P districts, the total area of all wall signs on a building which meets the following outlined conditions shall not be included in calculating the aggregate sign area on a lot:
 - a. The building shall be a shopping center, a building containing multiple tenants, or a single-tenant building located on a single lot with other principal buildings and is part of an approved CUP or planned unit development.
 - b. The tenants are located on the ground floor of the building and have a direct and primary access to the outside of the building.

- c. The sign area of all walls, blade, canopy, or awning signs permitted by this section shall not exceed seven percent of the exterior wall area of the space occupied by the tenant.
- d. The sign is located on the exterior wall of the space occupied by the tenant from which the seven percent sign area was derived.
- e. No individual wall sign shall exceed 150 square feet in area, except in the C-1, MX-1, and MX-2 districts where the maximum area of any individual sign shall not exceed 100 square feet.

(Ord. No. 2598-20, 11-16-20)

- (5) The maximum size of the sign face may be increased by 20 percent for a property which is not located in an R district if the sign is located at least 100 feet from any public right-of-way.
- (6) The sign which identifies a contiguous group of buildings under a single ownership within a single complex shall be exempt from the total sign area requirements if the property on which the sign is erected is not located in an R district. The maximum size of the sign face shall be regulated by table 36-362A.
- (7) Additional signs permitted in the POS district. The following signs are permitted in the POS district and shall not be included in the maximum total area for permanent and temporary signs identified in table 36-362A.
 - a. Scoreboards. One scoreboard per athletic field with a maximum height of 15 feet and a maximum sign face of 80 square feet.
 - b. Athletic field signs are considered to be temporary signs and are permitted with the following conditions:
 - i. The sign must be inside of, and face the interior of, an athletic field that is fully enclosed by a fence.
 - ii. The sign shall not be displayed before May 1 and/or after October 31.
 - iii. The maximum sign height is 4 feet.
 - iv. The maximum sign face is 4 feet by 8 feet.
 - v. The maximum height of text (letters and numerals) is 7 inches.
 - vi. The maximum height of logos is 15 inches.
 - vii. Pictures and illustrations are permitted at any size within the 4 x 8 sign face.
 - viii. The back side of the sign must be blank and painted a dark shade of green.
 - ix. The sign cannot be illuminated or made of reflective materials.
 - x. There shall be no more than 15 signs per field.

(Ord. No. 2250-03, 9-2-03; Ord. No. 2350-08, 3-28-08; Ord. No. 2449-13, 11-15-2013; Ord. No. 2473-15, 7-20-15; Ord. No. 2598-20, 11-16-20)

(h) Special provisions. In addition to the general provisions contained in subsection (f) of this section, these special provisions apply to the following types of signs:

- (1) *Real estate sign.* Real estate signs shall be regulated as follows:
 - a. A real estate sign which does not exceed ten square feet in area and ten feet in height is exempt from the required yard restrictions.
 - b. A real estate sign may only be displayed on the property on which the sign is advertising the sale, lease, or rental of.

- c. A real estate sign may only be displayed until the advertised property is sold, leased or rented.
- (2) *Private directional sign.* Private directional signs are regulated as follows:
- a. A private directional sign that does not exceed 4 square feet in sign face area and 42 inches in height, shall be exempt from the required yard restrictions, and shall not be included in the maximum total area for permanent signs identified in table 36-362A.
 - b. A private directional sign that exceeds 4 square feet in sign face area, and/or 42 inches in height shall be subject to all permanent sign regulations.
 - c. All private directional signs shall be located on the property, or within an approved planned unit development, on which the business receiving the benefit of the private directional sign is located.
- (3) *Temporary sign.* Temporary signs are regulated as follows:
- a. With the exception of Pedestrian signs as defined below, temporary signs may be permitted on a lot for a total of 30 days in any calendar year.
 - b. The total sign area of all temporary signs on a lot shall not exceed the total permitted in table 36-362A.
 - c. A temporary sign shall not direct persons to or advertise a product or service not available on the premises where the sign is located.
 - d. Temporary signs, other than pedestrian signs, may be constructed of paper, cloth, canvas, wood or any other light and non-durable material.
 - e. Pedestrian Signs are temporary signs further regulated as follows:
 - 1. Pedestrian signs may be displayed in the C, O and MX districts only.
 - 2. No portion of the sign shall project beyond a cube measuring 3 feet wide by 3 feet deep by 4 feet in height.
 - 3. Pedestrian signs may be placed up to the property line, subject to Section 36-76. No portion of the sign shall be placed in, or project into the public right-of-way, and any such sign shall be located so that it does not obstruct pedestrian or vehicular movement or impede pedestrian or vehicular visibility.
 - 4. The sign may be displayed during business hours only. The sign shall be stored inside a building during non-business hours and during severe weather conditions.
 - 5. The sign shall not be placed in such a manner that it obstructs the visibility of another property's permanent signage.
 - 6. No place of business shall display more than 1 pedestrian sign at any time and the total of all pedestrian and other temporary signs on the property shall not exceed the total allowed in table 36-362A.

7. Pedestrian signs that are maintained in good repair and in accordance with all ordinance provisions may be permitted for up to one calendar year. The Zoning Administrator may revoke a permit and remove any sign that does not meet the ordinance requirements or is creating a public hazard. After one year, a new permit may be applied for.
8. Pedestrian signs may be constructed of wood, metal, non-flexible plastic or any other durable material.

(Ord. No. 2250-03, 9-2-03)

(4) *Decorative banners.* Decorative banners are allowed in the R-C, C-2, and O districts and are regulated as follows:

- a. All decorative banners shall be an integral part of the overall design scheme of a project. A decorative banner shall be deemed to be a part of the integral design scheme if the following conditions exist:
 1. The decorative banners are compatible with the architectural character of the building in terms of rhythm of openings, horizontal or vertical emphasis, and stylistic features of the building in color, pattern and shape.
 2. The decorative banners are considered to be in harmony and unity with various elements within the site and also within the larger context of the area or corridor.
 3. The location and placement of the banners provides a harmonious rhythm to the building and site elements.
 4. The zoning administrator shall determine whether any banner meets the design criteria set forth by this subsection (h)(4).
- b. No single decorative banner may exceed eight square feet in area.
- c. Decorative banners shall be securely fastened on the full length of at least two sides of the decorative banner to a structure which was erected for another principal purpose, such as a light standard.
- d. Faded or torn decorative banners shall be removed or replaced. If faded or torn banners are not removed or replaced by the owner within 30 days of notification by the city, the city may remove them and assess the cost of removal to the property.
- e. No decorative banner may display a commercial message. Commercial messages are allowed on other signage in accordance with this section.
- f. Decorative banners shall be exempt from the total allowable sign area for a parcel. The maximum aggregate area for decorative banners shall not exceed 15 percent of the total allowable sign area for a parcel.
- g. The top of a decorative banner may not exceed 15 feet in height from the ground.
- h. No decorative banner may be displayed within any required yard.

(Ord. No. 2250-03, 9-2-03; Ord. No. 2598-20, 11-16-20)

(5) *Political signs.*

- a. Political signs of any size are permitted in any number from 46 days before a primary election, or the general election if a primary election is not held.
- b. Political signs must be removed within ten days after the general election has been held.
- c. Political signs shall not be placed on the public right-of-way or any publicly owned property, including boulevard trees and utility poles.
- d. Political signs shall not obstruct the vision at an intersection or otherwise constitute a hazard to public safety.

(Ord. No. 2391-10, 11-12-10)

(6) *Project information signs.*

- a. *Purpose.* The purpose of a project information sign is to identify a business or group of businesses affected by a construction project that is underway on a roadway or in an approved redevelopment district to direct traffic or convey that the business or group of businesses is open to the public. Project information signs shall not be used for the purpose of advertising products, services or events.
- b. *Design.* Project information signs shall have black letters on a "federal highway orange" background. A project information sign displayed on public property must conform to the Highway Traffic Regulation Act, M.S.A. § 169.97 et seq., for informational signs and if displayed on private property, may not exceed the area and height requirements of this section for signs on that parcel.
- c. *Placement.* The city council shall be responsible for approving the general location of project information signs. Such signs may not be permitted on a roof.
- d. *Duration.* Project information signs will be removed when the city determines that:
 1. The business identified discontinues operation;
 2. The construction work has been completed; or
 3. Access to the business is no longer affected by the construction project.
- e. *Plan development.* A plan for the project information signs may be initiated by either the affected businesses or city staff. If developed by city staff, the plan shall be reviewed by the affected businesses prior to transmitting the plan to the city council for consideration.

- f. *Installation.* The city will be responsible for the fabrication and installation of project information signs installed on public property. The cost of fabricating, installing, and maintaining the signs will be paid by the affected businesses.

If a project information sign is displayed on private property, it is the responsibility of the property owner to fabricate and install the sign according to the approved signage plan and to pay all costs, including sign permit fees, incident to the fabrication and placement of the project information signs.

(7) *Signs which advertise businesses on freeways and highways.*

- a. Application may be made to the city for an increase in maximum sign height on a lot having all of the following characteristics:
1. The lot abuts the right-of-way of an interstate freeway or state highway or abuts a frontage road immediately adjacent to an interstate freeway or state highway.
 2. The lot does not have and is not permitted to have directional signage on the interstate freeway or state highway directing the public to the subject lot.
 3. The lot has no other option permitted by this chapter to provide the requested square footage of signage visible from 50 percent of, at a plane 3.5 feet above, the portion of the interstate freeway or highway adjacent to the lot.
- b. To be eligible for an increase in sign height, the second point of all cross sectional drawings, as described in subsection (h)(7)b.2.ii. of this section, must be located such that more than 50 percent of the plane above the traveled surface of the interstate freeway or state highway is obstructed from the first point, as described in subsection (h)(7)b.2.i. of this section. An application for increased sign height shall be accompanied by the following drawings drawn to scale:
1. A site plan showing the location of the proposed sign, property lines of the subject property, road alignments of adjacent streets and highways and the locations of any cross-sectional drawings necessary to analyze the request.
 2. Cross sectional drawings necessary to analyze the request showing the entire traveled surface of the freeway or state highway, any retaining walls or fences, any frontage roads, proposed sign location and height and a straight line (referred to as the "sight line") drawn between two points described as follows:
 - i. The first point situated on a line perpendicular to the earth's surface at the location of the proposed sign passing through the center of the sign face and 25 feet above the centerline of the nearest adjacent street or the ground level of the base of the proposed sign, whichever results in a higher elevation.
 - ii. The second point situated on a plane surface 3.5 feet above and parallel to the traveled surface of the interstate freeway or state highway, located by projecting a line from the first point to its intersection with the plane surface so that the resulting point of intersection of the line with the plane surface (the second point) is as close as possible to the first point while not passing through an intervening obstruction that would prevent visibility.

- c. The zoning administrator may approve an application to increase sign height which meets the criteria set forth in this subsection (h)(7)c where the proposed sign plan meets each of the following requirements:
 1. The sign is no higher than necessary to permit the bottom edge of the sign face to be visible from at least 50 percent of the traveled surface of the interstate or state highway.
 2. The top of the sign face is no more than 12 feet above the bottom of the sign face.
 3. The location of the sign is such that the increase in sign height is minimized.
 4. The sign face shall not exceed 150 square feet.
 5. The sign lighting is either internal or indirect and no light source is visible beyond the property lines of the lot.
 6. Illuminated signs located within 400 feet of the structures used for residential purposes shall have its illuminated portion shielded from view of such residential structures.
- (8) *Electronic signs.* Electronic signs are allowed subject to the following conditions:
- a. The sign face shall not exceed:
 1. 20 square feet for properties less than 20 acres in area in a residential district and the Park and Open Space District.
 2. 40 square feet for properties 20 acres or greater in area for properties zoned residential or Park and Open Space.
 3. 40 square feet in all other districts.
 - b. The maximum sign face established above shall not be in excess of the maximum sign area allowed in table 36-362A.
 - c. No more than one sign face may be visible from any same location off-site unless the signs are more than 500 feet apart.
 - d. Messages and/or images must be displayed for at least three seconds.
 - e. Electronic signs existing on May 28, 2010 must comply with this section, except that electronic signs that exceed the maximum size limit above may continue as a non-conforming sign as to size.
 - f. Messages or displays must change instantaneously. Using any type of special effect to change from one message or display to another is prohibited.
(Ord. No. 2384-10, 5-28-10)
- (9) *Rooftop screen signs.* Notwithstanding Section 36-362(e)(4) wall signs are permitted on rooftop screening structures located in the planned unit development zoning districts subject to the following conditions:
- a. The rooftop screen structure is located on a building that is at least eight stories tall and that is used for predominantly office uses.
 - b. The rooftop screen structure upon which the sign is mounted must enclose an area equal to at least 40% of the total rooftop area of the building.
 - c. For rooftop screen structures with multiple or varying heights, the signs cannot extend above the height of the shortest section of the rooftop screening structure.
 - d. The rooftop screen structure shall be included in the building height.

- e. The rooftop screen structure must be included in the building elevation when calculating compliance to the architectural design and materials of each building elevation.
- f. Prior to installing any wall sign on the rooftop screen structure, the rooftop screen structure must be inspected and certified by an engineer to verify that the structure can support the proposed sign.

(Ord. No. 2608-21, 3-15-2021)

(i) Nonconforming signs.

- (1) *General.* A nonconforming sign shall not be rebuilt, relocated, altered, or modified in size or height unless it is made fully conforming with this section.
- (2) *Removal.* Except for changing signs or billboards, if a face or message on a nonconforming sign is removed, the entire sign and sign structure must be removed or made to conform with this section.
- (3) *Temporary sign.* Temporary and portable signs in existence at the time of passage of the ordinance from which this section is derived which do not conform to this section shall be removed or made to conform within 30 days of the effective date of the ordinance from which this section is derived.
- (4) *Real estate signs.* Real estate signs in existence as of the date of the ordinance from which this section is derived was adopted which do not conform with the requirements of this section shall be removed or made to conform within 120 days of the effective date of the ordinance from which this section is derived.
- (5) *Billboards.*
 - a. Any billboard in existence as of the date of the ordinance from which this section is derived was adopted may remain in place if it is not increased in sign area or height and is maintained in conformance with the general provisions of this chapter. The following are not permitted on billboards:
 - 1. Flashing signs.
 - 2. Changing signs.
 - 3. Rotating signs.
 - 4. Electronic signs.

(Ord. No. 2384-10, 5-28-10)
 - b. The maximum height of a billboard shall be 35 feet, including extensions, measured as required by subsection (c) of this section.
 - c. Billboards which have been destroyed or damaged must be removed when the cost of repair equals more than 50 percent of the appraised physical value of the structure.
- (6) All lawful nonconforming signs existing at the time of passage of the ordinance from which this section is derived, except temporary signs, real estate signs and billboards, must be removed or made to conform by January 1, 2000, unless the existing sign was made nonconforming by a provision of this section. Those nonconforming signs must be removed or made to conform to this section by January 1, 2005.

(j) Forfeiture. Any sign installed or placed on public property shall be forfeited to the public and subject to confiscation, unless it conforms to the requirements of this section. In addition to other remedies granted to it by this section, the city shall have the right to recover from the owner or person placing the sign the full costs of removal and disposal of the sign in a civil action.

(Code 1976, §§ 14:6-2.0--14:6-2.9; Ord. No. 2167-00, 5-15-2000; Ord. No. 2201-01, § 2, 7-2-2001; Ord. No. 2250-03, 9-2-2003; Ord. No. 2271-04, 5-17-2004; Ord. No. 2320-06, 12-1-2006; Ord. No. 2350-08, 3-28-2008; Ord. No. 2384-10, 5-28-2010; Ord. No. 2391-10, 11-12-10; Ord. No. 2498-16, 9-6-16; Ord. No. 2560-19, 8-12-19; Ord. No. 2594-20, 10-19-20; Ord. No. 2602-21, 1-4-21; Ord. 2608-21, 3-15-2021; Ord. No. 2637-21, 12-6-21; Ord. No. 2653-22; 6-20-22)

Cross reference(s)--Parking, § 30-150 et seq.

Sec. 36-363. Outdoor lighting.

(a) Purpose. The purpose of this section is to minimize the adverse effect of light and glare on operators of motor vehicles, pedestrians, and on residential and other land uses in the vicinity of a light source in order to promote traffic safety and to prevent the nuisances associated with the intrusion of spill light and glare.

(b) Applicability. The requirements of this section apply to all outdoor lighting, except lighting for signs which are covered under section 36-362, and for street lighting within public rights-of-way.

(c) Definitions. The following words; terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Cutoff or Shielded – An outdoor light fixture constructed or shielded in such a manner that no more than 2.5 percent of its light occurs above the horizontal plane of the fixture, and no more than 10 percent of its light occurs above 80 degrees.

Direct Light – Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or other diffuser lens, of a luminaire.

Footcandle – The basic unit of illuminance or the amount of light falling on a surface. One footcandle is approximately equal to the illuminance produced by a light source of one candle in intensity, measured on a surface at a distance of one foot above grade. Footcandles can be measured both horizontally and vertically by a footcandle or light meter.

Full Cutoff or Fully Shielded – An outdoor light fixture constructed or shielded in such a manner that no light occurs above the horizontal plane and no more than 10 percent of its light occurs above 80 degrees.

Glare – The sensation produced directly by a light source or indirectly from reflective surfaces within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which can cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

Illuminance – The amount of light falling on any point of a surface, typically measured in footcandles (or lux in the metric system).

Indirect Light – Direct light that has been reflected or scattered off of other surfaces.

Lamp – The component of the luminaire that actually produces the light, more commonly known as a bulb.

Light Spill – Light that falls beyond the boundaries of the property on which the lighting installation is located and because of quantitative, directional, or spectral content causes annoyance, discomfort, or loss in visual performance and visibility.

Lumen – A unit used to measure the actual amount of light that is produced by a light source. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the wattage. For example, a 75-watt incandescent lamp can produce 1,000 lumens while a 70-watt high-pressure sodium lamp can produce 6,000 lumens.

Luminaire or Fixture – The complete lighting assembly or fixture (including but not limited to the lamps, housing, ballasts, photocells, reflectors, lenses, shields, visors, louvers) but not the support assembly (poles or mounting brackets).

Mounting Height – The vertical distance as measured from the ground directly below the centerline of the luminaire to the lowest light-emitting part of the luminaire.

Ornamental Lighting – Lighting that is installed mainly or entirely for its decorative effect rather than as an aid to visibility.

Semi Cutoff or Partially Shielded – An outdoor light fixture constructed or shielded in such a manner that no more than 5 percent of its light occurs above the horizontal plane of the fixture, and no more than 20 percent of its light occurs above 80 degrees.

Shielded – A luminaire from which no direct glare is visible at normal viewing angles by virtue of its being properly located, aimed, oriented, and properly fitted with spill and glare control devices, such as shields, barn doors, baffles, louvers, skirts, inserts, visors and reflectors.

(d) General provisions.

- (1) Lighting plan. Submittal of a lighting plan shall be required to ensure compliance with this section for all new development, redevelopment, and additions other than single-family and two-family dwelling units. The city may also require a lighting plan for any proposed new light source. This lighting plan shall include the following:
 - a. A site plan showing location of buildings, parking areas, landscaping, and all proposed outdoor lighting fixtures.
 - b. Proposed mounting height of each outdoor lighting fixture.
 - c. Descriptions of each proposed outdoor lighting fixture including but not limited to manufacturers catalog specifications sheets, photometric data, IESNA “cutoff” fixture designation, glare control package, type of lamp (e.g., high pressure sodium, metal halide, mercury vapor, fluorescent induction), lamp color temperature, and on/off control devices.
 - d. An illuminance grid (point-by-point) plot of footcandles overlaid on the site plan, plotted out to 0.0 footcandles, indicating the location and aiming of outdoor lighting fixtures in compliance with the regulations of this section.
- (2) Maximum illuminance levels. Outdoor lighting shall not exceed the maximum maintained illuminance levels as recommended by the Illuminating Engineering Society of North America (IESNA).

- (3) Measurement. Post-installation lighting levels shall be measured after dark at the property line of the adjacent property by facing a light meter directly at the light source at 3 feet above grade.
- (4) Spill light and glare. Outdoor lighting shall be designed and arranged to limit spill light and glare on adjacent properties. Reflected glare or spill light shall not exceed five-tenths (0.5) footcandle when the source of light abuts any residential property or one (1.0) footcandles when the source of light abuts any commercial or industrial property, as measured at the property line of the adjoining use.
- (5) Hours of operation. The city may limit the hours of operation of outdoor lighting equipment if the city believes it necessary to reduce the impact of light on the surrounding neighborhood.
- (6) Prohibited lighting. No flickering or flashing lights shall be permitted.
- (7) Luminaire design.
 - a. For the lighting of predominantly horizontal surfaces, luminaires shall be aimed straight down and shall meet full cutoff criteria unless ornamental light fixtures are installed in the manner provided in a site and building plan approved by the city. Ornamental fixtures may be approved when the developer can demonstrate that undesirable off-site impacts stemming from direct or reflected views of the light source are eliminated by the fixture design or location of the lighting fixture.
 - b. For the lighting of predominantly non-horizontal surfaces, such as building facades, landscaping, fountains, displays and statuary, luminaires shall be located, aimed and shielded so as to not project their beam onto abutting properties, past the object being illuminated, skyward or onto a public roadway. The lighting shall be fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors to minimize spill light and glare impacts.
- (8) Maximum mounting height. Light poles or standards for exterior lighting shall not exceed a height of 45 feet, except that poles or standards on the top level of parking structures shall not exceed 25 feet.

(e) Recreational lighting provisions. Because of its unique requirements for nighttime visibility of recreational activities and limited days/hours of operation, outdoor recreational facility lighting is exempt from the outdoor lighting standards of section (d) (2) through (8) above. An outdoor recreational facility that has illuminated playing fields, courts or performance spaces shall be subject to the following standards:

- (1) *Luminaire design.* All outdoor recreational lighting fixtures shall be directionally shielded. Lighting fixtures shall also be aimed to ensure that their beams fall within the primary playing area of the fields/courts/tracks or primary performance space and immediate surroundings so that spill light and glare on adjacent properties are minimized.
- (2) *Glare control.* All outdoor recreational lighting fixtures shall be from a manufacturer that offers a glare control package, and it shall be fitted with the manufacturer's strongest glare reducing package.

- (3) *Maximum illuminance levels.* All outdoor recreational lighting installations shall be designed to achieve no greater than the maximum illuminance levels for the proposed recreational activity as recommended by the Illuminating Engineering Society of North America (IESNA).
- (4) *Maximum spill light levels.* Spill light shall be minimized to the greatest extent possible given the unique illumination constraints of the outdoor recreational facility. Since outdoor recreational facilities require much higher lighting levels than other outdoor lighting uses and are in operation for limited periods of time, the maximum spill light level allowed is also higher. When an outdoor recreational facility abuts a residential dwelling unit, it shall be designed so that the illumination at the residential property boundary line that is attributable to the recreational lighting does not exceed 1.5 maximum vertical footcandles.
- (5) *Maximum mounting height.* The mounting height of outdoor recreational lighting fixtures shall not exceed a maximum height of eighty (80) feet. The City Council may approve additional height if it is shown as necessary to reduce spill and glare and has no additional adverse impacts.
- (6) *Hours of operation.* The use of outdoor recreational lighting shall not be permitted between the hours of 11:00 PM and 7:00 AM. The main lighting shall be turned off no later than one hour after an event ends. Where technically feasible, a low level lighting system shall be installed to be used for patrons leaving the facility, cleanup, nighttime maintenance and other closing activities.
- (7) *Visual impact plan.* To assist the City in determining whether the potential impacts of proposed outdoor recreational lighting have been suitably managed, applications for illuminating outdoor recreational facilities shall be accompanied not only with the information required under section (d) (1) above but also by a visual impact plan that contains the following:
 - a. Plan views containing a layout of the outdoor recreational facility, showing light pole locations the location of abutting residential properties and structures, and proposed landscape measures that will screen lighting from adjacent properties.
 - b. Elevations containing pole and luminaire mounting heights, and luminaire arrays for each pole location.
 - c. Light scans in the maximum vertical plane containing illuminance plots at the boundary of the adjacent property, taken at a height of three (3) feet.
 - d. Proposed frequency of use of the outdoor recreational facility during hours of darkness on a month-by-month basis and proposed time when the recreational lighting will be switched off.
 - e. A narrative describing the measures proposed to achieve minimum off-site disturbance, including landscape screening.

- (8) Subsections (e)(5) and (6) shall apply to all outdoor recreational facilities existing as of the effective date of this Ordinance. Subsection (e) shall apply in its entirety to any new outdoor recreational facility, the expansion of an existing facility, upon replacement of the luminaires or fixtures or upon any reconfiguration of existing lighting installations. Outdoor recreational lighting installations existing as of the effective date of this Ordinance may continue to be operated in their existing configuration, including repair and maintenance, so long as there is no increase in maximum illuminance levels, light spill, or glare.

(Code 1976, §§ 14:6-3.0--14:6-3.4; Ord. No. 2427-12, 12-28-2012)

Sec. 36-364. Landscaping

(a) Purpose. The City recognizes the aesthetic, ecological, and economic value of landscaping in both the natural and built environments and requires its use to serve the following objectives:

- (1) Protect the health, safety, and general welfare of the community.
- (2) To deter crime through the use of good environmental design practices.
- (3) Promote the reestablishment of vegetation in the community for aesthetic, health, and wildlife reasons.
- (4) Improve ground water quality.
- (5) Reduce storm water runoff.
- (6) Promote compatibility between land uses by reducing the visual, noise, dust, and lighting impacts of specific development on users of the site and abutting uses.
- (7) Aid in energy conservation by providing shade from the sun and shelter from the wind.
- (8) Safeguard and enhance property values.
- (9) Break up expanses of paved areas and provide surface shade.
- (10) To promote development which will minimize the loss of trees; ensure maintenance of vegetation; encourage a resourceful and prudent approach to urban development; provide an objective method to replace trees; and provide incentives for creative land use and good site design which preserves existing trees.

The landscape standards in this section are established to promote these objectives and encourage innovative and creative landscape design for the benefit of the city. This section consists of the minimum landscaping and screening requirements for use throughout the city.

(b) Applicability. The Zoning Administrator may require additional landscaping or alter the placement of the landscaping as deemed appropriate.

(c) Required landscape plan. With the exception of single family and two family dwellings, a detailed landscape plan shall be submitted for review and approval by the Zoning Administrator for all new developments, additions or modifications to existing developments or when changes are made to existing landscape plans. Landscape plans shall be prepared by a registered landscape architect or other qualified individual as determined by the Zoning Administrator. The landscape plan shall be drawn to a scale of not less than one inch equals 50 feet. The locations and materials which are to be used in landscaping existing and proposed developments shall be clearly drawn and labeled on a landscape plan. The plan shall, at a minimum, show the following:

- (1) The boundary lines of the property with accurate dimensions.

- (2) The locations of existing and proposed buildings, parking lots, roads, and other improvements.
- (3) A plan showing existing topography and proposed grading with contour intervals no greater than two feet.
- (4) The location, diameter of trees and common name of existing trees and shrubs.
- (5) A planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition, and special planting instructions.
- (6) The planting details illustrating proposed locations of all new plant materials.
- (7) The locations and details of other landscape features including berms, retaining walls, fences, walls, sculptures, fountains, street furniture, lights, courtyards and planter boxes.
- (8) The details of restoration of disturbed areas including areas to be sodded or seeded.
- (9) The location and details of irrigation systems.
- (10) The details and cross sections of all required screening.
- (11) A description of a method to be employed for the protection of all existing landscape materials to be saved.
- (12) Planting and installation details as necessary to ensure conformance with all required standards.

(d) Minimum Landscaping Requirements.

- (1) All open areas of a lot that are not used for buildings, required parking or circulation areas, patios, or storage shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover materials, and other site design features to ensure soil stabilization. This shall not apply to undisturbed areas retained in a natural state.
- (2) Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened.
- (3) The following minimum number of plant materials shall be provided:
 - a. Single Family and two-family dwellings constructed after May 7, 2007 shall plant one (1) tree per lot in the boulevard. The boulevard tree shall be of a species identified in the City of St. Louis Park's Landscape Tree List for streets and boulevards and shall be planted according to city requirements.
 - b. Multi-family residential dwellings shall require one (1) canopy or evergreen tree per dwelling unit.
 - c. Non-Residential uses shall require at a minimum the greater of:
 1. One (1) canopy or evergreen tree per 1,000 square feet of gross building floor area, or
 2. One (1) canopy or evergreen tree per 50 lineal feet of site perimeter.
 - d. Up to twenty five percent (25%) of the required number of canopy or evergreen trees may be substituted with ornamental trees at a ratio of two (2) ornamental trees to one (1) canopy or evergreen tree.

- e. Shrubs shall be required at a minimum of the greater of the following:
 - 1. Six (6) shrubs per 1,000 square feet of gross building floor area, or
 - 2. Six (6) shrubs per 50 lineal feet of site perimeter.
 - 3. This requirement shall not apply to single family and two-family residential dwellings.
 - f. Where there is more than one use per building or development, each use shall be calculated separately to determine minimum landscape requirements.
- (4) The city encourages the use of native plant materials that provide interest and color in the winter.

(e) Screening. Screening shall consist of landscaping/vegetation, fences, walls, berms, hedges, landscape materials, or a combination thereof. The height and depth of the screening shall be consistent with the height and size of the area for which screening is required. All walls and fences shall be architecturally harmonious with the principal structure. Properties used as single family or two-family residential dwellings are exempt from the screening requirements.

- (1) Principal buildings, accessory structures, and drive through facilities including stacking areas shall be screened from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution, or community center. If the residential parcel is not separated by a public right-of-way and is less than 50 feet away from the building, structure or drive through facility, the screening shall include a six foot privacy fence along the side and/or rear property line abutting the residential property; the fence height may be increased to eight feet at the discretion of the Zoning Administrator. The fence will not be required when a multi-family building is adjacent to an existing multi-family building of four or more dwelling units.
- (2) Off-street loading and service areas: must be screened from contiguous properties and adjacent streets, except at access points. Screening shall consist of plant material and any combination of berms, fences, or walls that provide 100% opacity, year round, to a height of at least ten feet.
- (3) Outside storage areas; utility service structures; mechanical equipment; refuse handling; maintenance structures and other ancillary equipment shall be screened 100% from all off-site views year-round. In addition to landscaping, exterior refuse handling and outside storage areas shall be screened with a six foot wall or privacy fence. The fence may be required to be taller at the discretion of the Zoning Administrator.
- (4) Parking lots:
 - a. All off street parking areas and drive lanes located within 30 feet of any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building such as a school, religious institution or community center shall be screened with landscaping and a solid fence or wall a minimum of eight feet high in the side and rear yard and 48 inches when adjacent to a front yard.
(Ord. No. 2466-15, 5-18-2015)

- b. Regardless of (4)(a) above, off street parking areas located within 30 feet of a public right of way shall provide screening between the parking lot and right of way, except at access points. Such screening may consist of a solid hedge, an architectural compatible opaque wall, fence, berm or combination thereof. The screening shall be at least 36 inches and no more than 42 inches in height. Transit shelters, benches, bike racks, or similar features may be integrated as part of the screen as approved by the Zoning Administrator.

(f) Off street parking areas.

- (1) Off street parking areas with more than 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture. Turf grass is permitted within landscaped areas located around the periphery of a parking lot. This provision shall not apply to parking structures.
 - a. Landscape islands are required at the end of each row of cars, or every 15 stalls whichever is less. All landscape islands shall contain a minimum of 180 square feet and a minimum dimension shall be 5 feet.
 - b. A minimum of two canopy trees of the same species must be provided per island.
 - c. Shrubs, perennials or ornamental grass must be incorporated in each landscaped island.
 - d. Islands shall be prepared with clean soil to a depth of five feet and improved to ensure adequate drainage, nutrient and moisture-retention levels for the establishment of plantings.
 - e. All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought-tolerant plant materials are used exclusively. Where drought-tolerant plant materials are used, irrigation shall be required only for the two-year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.
- (2) Raised islands shall be provided at the end of any parking row where it abuts vehicle circulation lanes or driveways. Raised islands shall also be provided to separate pedestrian and vehicular traffic.

(g) Alternative landscape options. The City encourages the use of special design features such as xeriscaping, raingardens/bioswales, rooftop gardens, native landscapes, integrated pedestrian facilities, and public art. To encourage the use of these special design features the city acknowledges a degree of flexibility may be necessary to adjust to unique situations. This subsection provides such flexibility and presents alternative ways to meet the standards set for in this section. The alternatives provided below are discretionary and are subject to approval of the Zoning Administrator, unless the development application requires approval by the City Council, in which case the City Council shall approve the alternative landscape plan. Landscaping requirements may be modified if the proposal meets one or more of the following:

- (1) It is of exceptional design that includes amenities such as public art, public seating, an outdoor plaza, green rooftop, recreational benefit, and/or transit shelter.

- (2) It is deemed equivalent to the minimum requirements of this section and complies with the purpose and objectives of this section.
- (3) It will allow a site plan that is more consistent with the character of the area.
- (4) It will result in the retention of more existing significant trees.
- (5) It better accommodates or improves the existing physical conditions of the subject property.
- (6) The topography decreases or eliminates the need for visual screening.
- (7) It does not reduce the effect of required screening.
- (8) Efforts are made to create interest by providing a variety of colors and textures.

(h) Plant material standards.

- (1) The complement of trees required shall be at least 25 percent deciduous and at least 25 percent coniferous. Not more than 30% of the required number of trees shall be composed of one species.
- (2) Minimum size of plantings. Caliper inches to be measured six inches off the ground.
 - a. Deciduous tree (canopy) – 2.5 inch caliper
 - b. Ornamental tree – 1.5 inch caliper
 - c. Evergreen tree – 3 inch caliper
 - d. Deciduous shrub – 5 gallon pot
 - e. Evergreen shrub - 5 gallon pot
- (3) Species of plant material which satisfy the requirements of this section shall be consistent with the City of St. Louis Park's Landscape Tree List, as provided by the City.
- (4) Existing healthy deciduous trees greater than five (5) caliper inches or existing healthy evergreen trees greater than six (6) caliper inches that will be preserved on the subject property following the completion of development and meet the requirements of this section, may be counted toward the landscaping requirements, if they are not identified as prohibited.
- (5) The vegetation required for screening and off street parking areas may be counted toward the minimum landscaping requirements provided the plan continues to meet the purpose and objectives of this section.

(i) Method of installation.

- (1) The spacing of trees shall be appropriate to type of plant species provided. Evergreen shrubs shall be planted in clusters in order to maximize survival.
- (2) Traffic visibility shall be maintained by selecting and locating landscaping and design features that do not result in a safety or visibility hazard as required in section 36-76 (traffic visibility regulations).

- (3) All deciduous shrubs and spreading or globe evergreen shrubs shall be moved onto the site in pots. All other plant materials shall be balled and burlapped (B&B) or moved onto the site with a tree spade.
- (4) Minor plan substitutions to any approved planting plan may be accepted as approved by the zoning administrator.
- (5) Landscaping for one- and two-family homes shall be installed within one year of issuance of the building permit for a new home, addition or garage.
- (6) In calculating the required plant material under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number.

(j) Restrictions for tree removal; standards for replacement.

- (1) Public land. Only those persons authorized by the City may remove any tree from public land. Trees removed from any public land including city, county or state right-of-way shall be replaced by the person or entity who removed it. Replacement shall be in the following manner:
 - a. Replacement of any live tree which is removed from any public land shall be required on a caliper inch for caliper inch basis. The City may also elect to receive cash in lieu of trees based on a fee per caliper inch determined by the City Council.
 - b. Replacement trees shall be replaced in locations as follows:
 1. On public boulevards where the boulevard width is four feet or more, trees should be planted at 30-foot intervals, according to a landscape plan, or as approved by the city; however, no tree shall be planted within 15 feet of a utility pole, seven feet of a shutoff valve or underground utility, two feet of a concrete curb, or within 25 feet of an intersection as regulated by section 36-76; or
 2. In a public park or open space.
 - c. Replacement trees shall be of a species approved by the City Forester.
- (2) Private land. This subsection shall not apply to trees removed from existing lots developed with single-family or two-family dwellings. If any existing lot of record is subsequently subdivided, tree replacement shall be required for all of the new resulting lots or parcels.
 - a. No significant tree shall be cut down, destroyed, or removed from any property unless it is authorized by a permit issued by the city in a manner provided by this section.
 - b. No land shall be altered which will result in the removal or destruction of any significant tree unless the destruction is authorized by a permit issued by the city. The application for such permit shall include the following:

1. The name, address, and phone number of the person applying for the permit.
 2. The name and address of the property owner.
 3. A tree inventory of the site certified by a registered land surveyor, landscape architect, or forester which identifies the size, species, condition, and locations on the land of all existing significant trees on the property. In addition, this inventory shall identify all significant trees which will be cut down, removed, or lost due to grading or other damage. The tree inventory shall be verified by the city forester.
 4. Where the tree removal involves land alteration, a grading plan which identifies the following:
 - i. A minimum scale of one inch equals 50 feet.
 - ii. All existing and proposed contours at two (2) foot intervals.
 - iii. Location of all existing and proposed structures.
 - iv. Any grade change or land alteration, whether temporary or permanent, of greater than one foot measured vertically, affecting 30 percent (as measured on a horizontal plane) or more of a tree's root zone.
 - v. Utility construction which may result in the cutting of 30 percent or more of a tree's roots within the root zone.
 - vi. Any areas where soil compaction is planned to a depth of six inches or more, or of 30 percent or more of the surface of the soil within a root zone.
 5. A plan for the protection of trees intended to be saved.
 6. A statement of the proposed use of the land including a description of the type of building or structure existing or proposed to be constructed on the site.
 7. The number, type and size of trees required to be replaced by this section.
 8. The proposed locations of the replacement trees.
- c. Approval of a permit for the removal of any significant tree or for land alteration which results in tree destruction shall be subject to and conditioned upon the owner or developer replacing the loss or reasonably anticipated loss of all live significant trees. The amount of trees to be provided in replacement shall be determined by the following formula:

$$((A/B)-0.20) \times C \times A = D$$

A	=	Total diameter inches of significant trees lost as a result of land alteration or removal.
B	=	Total diameter inches of significant trees situated on the land.
C	=	Tree replacement constant (1.5).
D	=	Replacement trees (number of caliper inches).

- d. Location of replacement trees.
 - 1. Priority shall be given to locate replacement trees on any part of the parcel where screening is required.
 - 2. If there is insufficient area within the project to plant the required replacement trees, they may be planted within any park, open space, or boulevard within the city as determined by the city provided the city consents in writing. The city may also elect to receive cash in lieu of trees based on a fee per caliper inch determined by the city council.
 - e. Replacement trees shall be of a species similar to the trees which are lost or removed but shall be limited to one of those species shown on the City of St. Louis Park's Landscape Tree List, as provided by the City. No more than 50 percent of the caliper inches of the replacement trees shall be understory trees.
- (3) All trees required to be replaced by this section shall be replaced in the following manner.
- a. Replacement trees shall be planted within 18 months from the date the permit authorizing the removal of trees is issued.
 - b. Diseased, dead, or structurally unsound trees are exempt from the provision of this section. The City Forester is responsible for determining a tree is diseased, dead or structurally unsound.
 - c. Any replacement tree which is not alive and healthy one year following the date that it was planted shall be replaced with a new healthy tree of the same size and species as the removed tree.
 - d. Sources of trees. Replacement trees shall consist of Minnesota certified nursery stock.

(k) Tree protection. All trees which are to be retained on any site shall be marked and physically protected from harm or destruction caused by soil compaction, equipment and material storage within the drip line, bark abrasions, changes in soil chemistry, out-of-season pruning and root cutting during construction.

- (1) Before any construction or grading of any development project occurs, orange "safety fence" at least four feet in height and staked with steel posts no less than every five feet shall be placed around the drip line borders of woodlots and or the drip lines of significant trees to be preserved. Signs shall be placed along this fence line identifying the area as a tree protection area and prohibiting grading beyond the fence line. This fence must remain in place until all grading and construction activity is terminated.
- (2) No equipment, construction materials, or soil may be stored within the drip lines of any significant trees to be preserved.
- (3) Care must be taken to prevent the change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.

- (4) Drainage patterns on the site shall not change considerably causing drastic environmental changes in the soil moisture content where trees are intended to be preserved.
- (5) Pruning of oak and elm tree branches and roots must not take place from May 1 through July 31. (As per Ordinance 2257-03) If wounding of oak or elm trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators must have a nontoxic tree wound dressing with them on the development site. (Ord. No. 2275-04,)
- (6) Any tree determined by the City Forester to be destroyed or damaged shall be replaced in accordance with the tree replacement section above.

(l) Maintenance of Landscaping.

- (1) All landscaping and site improvements shall be completed within one year after the certificate of occupancy has been issued.
- (2) The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this section and is the responsibility of the owner and tenant of the property on which the materials are required. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this requirement shall be a violation of this section.
- (3) An underground sprinkler system shall be installed in all landscaped areas except areas to be preserved in a natural state or where all proposed plant materials are drought-tolerant. Where drought-tolerant plant materials are used, irrigation shall be required only for the two-year period following the installation and may be accomplished using hoses, water trucks or other nonpermanent means.

(m) Security.

- (1) Before approval of a permit, the owner or developer shall:
 - a. Enter into a written agreement with the city on a form approved by the city attorney in which the developer undertakes to comply with the provisions and conditions imposed by this section and the owner or developer shall indemnify the city against any loss, cost or expense, including an amount payable for reasonable attorneys' fees incurred in enforcing the terms of the agreement.
 - b. Provide a surety in a form approved by the city attorney to ensure the obligations of that agreement will be performed. The amount of surety shall be 125 percent of the estimated cost necessary to furnish and plant the required landscaping. The estimated cost shall be subject to approval by the city. If the estimated cost submitted by the developer to the city is not approved by the city, the city shall have the exclusive right to determine the estimated cost.

- (2) The property owner shall request an inspection after the required landscaping has been installed. The security will be released one year following the inspection when all landscaping is found to comply with the approved landscape or replacement plan. That part of the security which has not been released at the end of that year shall be retained and shall secure the developer's obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of the year and to replant missing trees. The entire security may be released one year after the replanting of such trees has been satisfactorily completed if the city has certified that those replacement trees are alive and healthy. To be certified as alive and healthy, the following conditions must exist:
- a. No tree shall have sustained mechanical injury to the trunk of a tree causing loss of more than 30 percent of the bark circumference of the tree at any location along the tree's trunk.
 - b. No tree shall have had soil compacted to six inches deep over more than 30 percent of its root zone.
 - c. No tree shall have had more than 30 percent of its roots cut for the installation of any utility or for any other purpose.
 - d. No tree shall possess more than 25 percent of its crown in dead branches.
 - e. None of the security shall be released until the developer's obligations to indemnify the city for any expenses incurred in enforcing the terms of the agreement are satisfied.

(n) Penalties for violation. Any tree not exempted by Section (j)(2)a of this section that is visibly damaged or has a root system that has been driven on causing soil compaction or the soil within the root zone has been compacted in any way, shall be replaced in accordance to the tree replacement formula found in section (j)(2)d. of this section, or as per Section (j)(1) of this section for public trees. Also, any person who is not authorized by the city who removes any tree from any public property without first obtaining a permit and any person who fails to replace trees in the manner provided in this subsection shall, in addition to the criminal penalties prescribed by law, be required to pay to the city the estimated cost of tree replacement in the amount determined by the city. Upon determination that this has occurred, the city shall submit a bill for the amount of tree replacement. If that amount is not received by the city within 90 days, such amount shall be assessed as a special assessment on any land owned by the person violating this chapter which is located in the city.

(Ord. No. 2325-07, 5-7-2007)

Sec. 36-365. Reserved.

(Code 1976, §§ 14:6-5.0--14:6-5.2; Ord. No. 2419-12, 9-14-2012)

Sec. 36-366. Architectural design.

(a) Purpose. The purpose of this section is to serve the public interest by promoting a high standard of development in the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified developments, the city seeks to accomplish the following:

- (1) Implement the comprehensive plan;
- (2) Preserve the character of neighborhoods, commercial and industrial areas;
- (3) Reasonably maintain and improve the city tax base;
- (4) Reduce the adverse impacts of dissimilar land uses;
- (5) Promote orderly and safe flow of vehicular and pedestrian traffic;
- (6) Discourage the development of identical and similar building facades which detract from the character and appearance of the neighborhood;
- (7) Preserve the natural and built environment; and
- (8) Minimize adverse impacts on adjacent properties from buildings which are or may become unsightly.

(b) Building design. Buildings shall be designed to enhance the attractiveness of the city's streetscape by minimizing monotonous structures and long, blank walls. Additionally, buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian. The following techniques shall be incorporated into building design in order to accomplish such requirements.

- (1) Architectural design elements that will be considered in the review of building and site plans include building materials, color and texture, building bulk, general massing, roof treatment, proportion of openings, facade design elements and variation, window and openings. Site plan design elements that will be considered in the determination as to whether site plan design is superior include quantity, quality, variation, compatibility and size of plant materials, landscape berms and screening walls. Also considered will be the overall order, symmetry and proportion of the various elements within the site and within the larger context of the area or corridor.
- (2) The height, bulk, general massing, roof treatment, materials, colors, textures, major divisions, and proportions of a new or remodeled building shall be compatible with that of other buildings on the site and on adjacent sites.

- (3) Building wall deviations are required where the unbroken building wall length to wall height ratio meets or exceeds 2:1. The minimum depth of each building wall deviation at the 2:1 ratio shall be two feet. The unbroken wall length to wall height ratio may be increased to 3:1 if the depth of the building wall deviations is increased to three feet. The unbroken wall length to wall height ratio may be increased to 4:1 if the depth of the building wall deviations is increased to four feet. The building wall deviations must extend from the grade to the roof, or top of the parapet.
- (4) No building may display more than ten percent of any elevation surface in bright, high intensity or pure tone primary or secondary colors. No fluorescent or neon colors shall be used on any exterior elevation surface. (Ord. No. 2602-21, 1-4-21)
- (5) The development must locate the noise-producing portions of the development, such as loading docks, outside storage and outside activity away from adjacent residential areas.
- (6) All developments shall consider the effect of sun angles and shade patterns on other buildings. All new multiple-family and nonresidential buildings and additions thereto shall be located so that the structure does not cast a shadow that covers more than 50 percent of another principal building wall for a period greater than two hours between 9:00 a.m. and 3:00 p.m. for more than 60 days of the year. This section will not prohibit shading of buildings in an industrial use district, mixed-use district, or as approved for buildings covered by the same PUD, CUP, or Special Permit. Shading of existing public spaces and outdoor employee break areas shall be minimized to the extent reasonable and possible. (Ord. 2560-19, 6-17-19; Ord. No. 2595-20, 10-19-20; Ord. No. 2598-20, 11-16-20)
- (7) Interior and exterior bars, grills, mesh or similar obstructions, whether permanently or temporarily affixed, shall not cover any exterior door or more than ten percent of any individual window or contiguous window area. (Ord. No. 2358-08, 8-14-08)
- (8) Ground floor transparency. The following façade design guidelines shall be applicable to all ground floor street-facing facades in the C-1, C-2, and MX Districts, and retail, service, and restaurant uses in O and BP Districts:
 - a. Window paintings and signage shall cover no more than 10 percent of the total window and door area.
 - b. Visibility into the space shall be maintained for a minimum depth of three (3) feet. Display of merchandise is allowed within this three (3) feet.
 - c. Interior storage areas, utility closets and trash areas shall not be visible from the exterior of the building.
 - d. No more than 10 percent of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signs. The remaining 90 percent of window and door area shall be highly transparent, low reflectance windows with a minimum 60 percent transmittance factor and a reflectance factor of not greater than 0.25.
 - e. Buildings, and additions to existing buildings, shall maintain a minimum of 50 percent ground floor transparency on the front façade, and 20 percent on all other ground floor street facing facades. Buildings which expand the gross square footage of the building by more than 50 percent shall bring the entire building into compliance with these transparency requirements.

- f. The city acknowledges a degree of flexibility may be necessary to adjust to unique situations. Alternatives that provide an increase in pedestrian vibrancy and street safety including but not limited to public art and pedestrian scale amenities may be considered and may be approved by the Zoning Administrator, unless the development application requires approval by city council, in which case the city council shall approve the alternate transparency plan.

(Ord. No. 2595-20, 10-19-20; Ord. No. 2602-21, 1-4-21)

- (c) **Building Materials.** Exterior surface materials of buildings shall be installed and maintained in accordance with the adopted building code and the manufacturer's specifications and shall be subject to the regulations listed below. Products listed as "integral colored" shall continue its surface color consistently through the depth of the product as opposed to being colored, painted, or stained on the surface only.

- (1) *Classes of materials.* Materials shall be divided into class I, class II and class III categories as follows:

- a. *Class I.* The following materials are considered class 1 materials as specified:
1. Brick
 2. Marble, granite, or other natural stone
 3. Integral colored cast stone (the stone is colored consistently through)
 4. Textured cement stucco
 5. Architectural wall cladding (Nichiha, Equitone and similar brands) Material must be through colored and at least 5/8 inches thick.
 6. Copper
 7. Porcelain
 8. Glass
 9. Wall mounted solar energy system
 10. Residential buildings containing four or fewer dwelling units may utilize the following additional materials:
 - i. Wood
 - ii. Vinyl siding
 - iii. Fiber-reinforced cement board
 - iv. Prefinished metal
 11. Residential buildings containing five or more dwelling units may utilize the following additional materials:
 - i. Up to 10% of the required class 1 materials may be finished with clapboard and/or shake-style fiber-reinforced cement board with a minimum thickness of ¼ inch.
 12. Park buildings under 3,000 square feet may utilize the following additional materials:
 - i. Wood.
- b. *Class II.* The following materials are considered class II materials as specified:
1. Exposed aggregate concrete panels
 2. Burnished concrete block
 3. Integral colored split face (rock face) and exposed aggregate concrete block
 4. Cast-in-place concrete
 5. Insulated exterior wall panels (E.I.F.S., Drivit and similar brands)

6. Fiber-reinforced cement board siding with a minimum thickness of ¼ inch
 7. Prefinished metal.
 8. Integral colored concrete panels other than smooth finished.
- c. *Class III.* The following materials are considered class III materials as specified:
1. Unpainted or surface painted concrete block (scored or unscored)
 2. Unpainted or surface painted plain or ribbed concrete panels
 3. Unfinished or surface painted metal
 4. Smooth finished concrete panels
 5. Brick, stone, or integral colored material which has been painted
- (2) *Minimum class I materials.* At least 60 percent of each building face visible from off the site must be of class I materials except as permitted by subsection (d)(4)c. of this section. Not more than 10 percent of each building face visible from off the site may be of class III materials. Portions of buildings not visible from off the site may be constructed of greater percentages of class II or class III materials if the structure otherwise conforms to all city ordinances. The mixture of building materials must be compatible and integrated.
- (3) *Buildings in I-G and I-P districts.*
- a. *Not on major streets and not near residential.* For buildings in the I-G and I-P districts which are not located on a principal arterial, minor arterial, major collector, or adjacent to or across from any residentially zoned property, class I materials may be reduced to a minimum of 25 percent provided that the remaining materials are functionally and durably equal to a class I material as certified by the architect or manufacturer.
 - b. *On major streets or near residential.* For building walls in the I-G and I-P districts facing on a principal arterial, minor arterial or major collector, or adjacent to or across from any residentially-zoned property, class I materials may be reduced to a minimum of 25 percent provided that the remaining materials are functionally and durably equal to a class I material as certified by the architect or manufacturer and that the architectural design and site plan are superior quality as determined by the zoning administrator. The architecture and site plan shall meet the following minimum criteria to be considered superior quality:
 1. The exposed height of the building wall shall not exceed 15 feet.
 2. The number of required plant units shall be increased by 20 percent or the size of 20 percent of the overstory trees installed shall be increased to 3 1/2 caliper inches.
 3. A minimum of ten percent of the building facade must be windows or glass spandrels.

(Ord. No. 2640-22, 1-18-22)

(d) General provisions.

- (1) All exterior finishes for one and two-family dwellings and accessory structures shall be installed within one year from the issuance of the building permit.

- (2) Additions and accessory structures. The exterior wall surface materials, roof treatment, colors, textures, major divisions, proportion, rhythm of openings, and general architectural character, including horizontal or vertical emphasis, scale, stylistic features of additions, exterior alterations, and new accessory buildings shall address and respect the original architectural design and general appearance of the principal buildings on the site and shall comply with the requirements of this section. Clear acrylic that is high impact, double-skinned, non-yellowing, and a minimum eight (8) millimeter thick may be classified as a Class I material for accessory greenhouses. (Ord. No. 2533-18, 3-19-18)
- (3) Screening.
- a. The visual impact of rooftop equipment shall be minimized using one of the following methods. Where rooftop equipment is located on buildings and is visible from the ground within 400 feet from property in an R district, only the items listed in subsections 1 and 2 shall be used.
 1. A parapet wall.
 2. A fence the height of which extends at least one foot above the top of the rooftop equipment and incorporates the architectural features of the building.
 3. The rooftop equipment shall be painted to match the roof or the sky, whichever is most effective.
 4. Solar collector surface and its frame shall be exempt from rooftop screening requirements.
 - b. Utility service structures (such as utility meters, utility lines, transformers, aboveground tanks); refuse and recycling handling; loading docks; maintenance structures; and other ancillary equipment must be inside a building or be entirely screened from off-site views utilizing a privacy fence or wall that is at least six feet in height. A chain link fence with slats shall not be accepted as screening.
 - c. All utility services shall be underground except as provided elsewhere in this chapter.
- (4) Parking ramps. All new parking ramps shall meet the following design standards:
- a. Parking ramp facades that are visible from off the site shall display an integration of building materials, building form, textures, architectural motif, and building colors with the principal building.
 - b. No signs other than directional signs shall be permitted on parking ramp facades.
 - c. If the parking ramp is located within 20 feet of a street right-of-way or recreational trail, the facade facing the street shall be subject to the same requirements for exterior surface materials as for buildings.
- (5) Awnings and canopies.
- a. Design parameters. Awnings and canopies shall be designed, installed, and maintained to meet the following criteria:
 1. Awnings and canopies shall have noncombustible frames. If an awning can be collapsed, retracted or folded, the design shall be such that the awning does not block any required exit.
 2. Awnings and canopies less than 25 feet in width may extend into the public right-of-way up to two feet from the face of the nearest curb line measured horizontally.

3. All portions of any awning and canopy shall provide at least eight feet of clearance or any walkway and twelve feet of clearance over a driveway or private roadway.
 4. Canopy posts or other supports located within a public right-of-way or easement shall be placed in a location approved by the city engineer.
- b. Permit required. A building permit shall be issued prior to the installation of any awning or canopy. In addition to the building permit, an encroachment agreement shall be issued by the city engineer prior to the installation of any awning or canopy that extends into, upon or over any street or alley right-of-way, park or other public property. The encroachment agreement shall include provisions that hold the owner of the awning or canopy liable to the city for any damage which may result to any person or property by reason of such encroachment or the removal of such encroachment. Additional conditions may be imposed on encroachment permits to protect the health, safety or welfare of the public or to protect nearby property owners from hardship or damage or to protect other public interests as determined by the city engineer.
 - c. Submission requirements. The following information shall be submitted prior to the installation of an awning or canopy.
 1. Application form and fee. A separate fee shall be required for the building permit and encroachment agreement.
 2. Dimensioned and scaled site plan and building elevations.
 3. Four sets of drawings for each awning or canopy proposed.
 - d. Projections to be safe. All such projections over public property shall be structurally safe, shall be kept in a safe condition and state of repair consistent with the design thereof and repaired when necessary in the opinion of the city engineer or building official by and at the expense of the person having ownership or control of the building from which they project.
 - e. Removal upon order. The owner of an awning or canopy, any part of which projects into, upon, over or under any public property shall, upon being ordered to do so by the city engineer, remove at once any part or all of such encroachment and shall restore the right-of-way to a safe condition. Such removal and restoration of the right-of-way will be at the sole expense of the property owner. The city may, upon failure of the property owner to remove the encroachment as ordered, remove the encroachment, and the reasonable costs of removing such encroachment incurred by the city shall be billed and levied against the property as a special assessment.

(e) Appeal. In any instance where the zoning administrator denies a permit or a request for preliminary approval of building materials or building design, the applicant may submit an appeal to the interpretation, based upon the plans and other papers on file in the office of the zoning administrator.

- (1) Permit. A permit for an appeal shall be filed as required by Section 36-30.
- (2) Process. A request for an appeal will be considered by the Board of Zoning Appeals as outlined in this chapter. The city council will act as the board of zoning appeals for appeals made in conjunction with a conditional use permit or planned unit development. The planning commission shall hold the public hearing on the appeal, review the appeal along with the conditional use permit or planned unit development, and report its findings and recommendation to the city council.

(Code 1976, §§ 14:6-6.0--14:6-6.2; Ord. No. 2188-01, 2-5-2001; Ord. No. 2201-01, § 2, 7-2-2001; Ord. No. 2234-02, § 2, 12-2-2002; Ord. No. 2262-03, § 2, 12-15-2003; Ord. No. 2320-06, 12-1-2006; Ord. No. 2358-08, 8-14-2008; Ord. No. 2533-18, 3-19-18; Ord. No. 2560-19, 6-17-19; Ord. No. 2575-19, 11-18-19; Ord. No. 2595-20, 10-19-20; Ord. No. 2598-20, 11-16-20; Ord. No. 2640-22, 1-18-22)

Sec. 36-367. Communication towers and antennas.

(a) Purpose.

- (1) To accommodate the reasonable communication needs of residents and business in the community while protecting the public health, safety, and general welfare of the community; and
- (2) To establish appropriate maximum heights of communication towers and antennas, considering their potential adverse impacts on the community at large and the ability to mitigate such impacts; and
- (3) To minimize adverse impacts on properties in close proximity to communication towers and antennas; and
- (4) To minimize adverse visual effects of communication towers and antennas through careful design and siting standards; and
- (5) To avoid potential damage to adjacent properties from communication tower and antenna failure through structural standards and setback requirements; and,
- (6) To maximize the use of existing communication towers, antennas and buildings to accommodate new antennas in order to reduce the number of communication towers needed to serve the community.

(b) Zoning compliance. Communication towers and antennas are allowed as provided in each zoning district and must be in compliance with the provisions of this ordinance.

(c) Communication tower and antenna design requirements. Communication towers and antennas proposed or modified anywhere in the city shall meet the following design requirements:

- (1) Communication towers up to 120 feet in height shall be of a monopole type.
- (2) The city may impose reasonable requirements to preserve the design, appearance or intended purpose of a structure when collocation is proposed.
- (3) Antenna designs and mounts shall be designed to minimize visual impact.
- (4) All small wireless facilities and their support structures must use the same color and/or finish as the pole they are mounted to.

- (5) Antenna must be mounted within two (2) inches of the support pole.
 - (6) With the exception of the antenna, all components of the small wireless facilities, including wires and conduit must be located inside the building, structure, or pole it is attached to, and inside the, mounting bracket used to attach the antenna to the building, structure or pole it is attached to. Wires and conduit must also be placed underground when applicable. Components of the antenna may be screened from off-site views when located on the roof of a building.
 - (7) Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state law or regulation that preempts local regulations. Wireless facilities and lighting may collocate if the lighting is intended for pedestrian or traffic safety or to illuminate parking lots or recreational fields.
 - (8) All small wireless facilities and support facilities must comply with city's noise regulations.
 - (9) Back-up battery facilities that generate noise are prohibited.
 - (10) Small wireless facilities shall not obstruct city street and wayfinding signage.
 - (11) The use of any portion of a communication tower for displaying flags or signs other than warning or equipment information signs is prohibited.
 - (12) No stickers, signs, or decals are allowed to be visible on small wireless facilities. The exception to this rule are safety alerts required by law. These must be placed on the back or underside of facilities.
 - (13) Ground equipment associated with a communication tower or antenna shall be housed in a building. The building shall meet the architectural design standards of the Zoning Ordinance and shall meet the minimum communication tower setback requirements of the underlying zoning district. This provision shall not apply to small wireless facilities.
 - (14) Wireless facilities and wireless support structures shall maintain at least eight feet of clearance from other poles, furniture, landscaping, art, and other obstructions.
 - (15) All small wireless facilities must be mounted so that there is a vertical clearance of at least twelve (12) feet between the facility and the grade at the base of the structure.
 - (16) Every communication tower or free-standing antenna shall be protected to discourage climbing of the tower or antenna by unauthorized persons.
 - (17) No small wireless facility may extend more than ten (10) feet above its wireless support structure.
- (d) Free-standing antennas.** Any antenna that is a separate structure and not attached to a building shall comply with all height and other requirements of this chapter relating to towers.
- (e) Co-location requirements.**
- (1) A proposal for a new communication tower or antenna shall not be approved unless the applicant shows that the antenna cannot be reasonably accommodated on an existing pole, structure, communication tower or building.
 - (2) The owner of any communication tower exceeding 50 feet in height constructed after the effective date of this Ordinance shall permit the reasonable joint use of the structure for other antennas.

(f) Building-Mounted Antennas.

- (1) Antennas attached to a building shall be no higher than 10 feet above the highest point of the building.
- (2) All building-mounted equipment shall be consistent with the architectural features of the building and be painted to match the color of the building exterior, roof or sky, whichever most effectively screens the equipment, as determined by the Zoning Administrator.

(g) Location specific regulations for communication towers and antennas.

- (1) No more than one communication tower is allowed per parcel zoned and used for residential.
- (2) Communication towers located on parcels occupied by residential dwellings are only allowed in the rear yard.
- (3) Communication towers and antennas located on property zoned residential and used for residential purposes shall be limited to communication towers and antennas used for the private enjoyment of those on the premises.
- (4) Monopoles shall be setback at least 10 feet from all lot lines. Communication towers of all other construction types shall be setback a distance equal to 1.5 times their engineered collapse radius or a distance equal to their height, whichever is less, except that all communication towers located on private property shall be located a minimum distance of twice their height from any parcel zoned or used for residential purposes or zoned mixed-use.
- (5) All equipment located on the ground shall be set back as to comply with the minimum yards of the zoning district they are located in, except that equipment located entirely underground is allowed to encroach into the required yards.
- (6) Communication towers shall not be located between a principal structure and a lot line adjacent to a street, with the following exceptions:
 - a. In industrial zoning districts, communication towers may be placed between the building and the side lot line abutting a street.
 - b. On sites adjacent to public streets on all sides, communication towers may be placed between the building and either the side lot line abutting a street or the rear lot line.
- (7) Public Right-of-Way. Communication towers and antennas may be installed in the public right-of-way as permitted by Chapter 24, Article VII, Division 2 of the St. Louis Park City Code.
- (8) A communication tower that complies with all other requirements of this chapter is allowed as a conditional use in a wetland, public waters wetland, Wetland Conservation Act (WCA) wetland, flood fringe district or general floodplain district. The standards for the issuance of a conditional use permit shall be the general criteria contained in this chapter applicable to all conditional use permits and the specific requirements for conditional uses in the flood fringe and general floodplain districts. The tower shall also comply with all other applicable laws and regulations.

(h) Permit requirements. All antennae and communication towers erected, constructed, or located within the city shall obtain a building permit.

- (i) **Maintenance requirements.** Communication tower and antenna shall be structurally sound. Additionally, finish and paint shall be maintained in good condition, free from rust, graffiti, peeling paint, or other blemish.
- (j) **Additional submittal requirements.** In addition to the information required elsewhere in this code, applications for communication towers or antennas that are permitted with conditions or require a conditional use permit shall include the following supplemental information unless it is determined by the zoning administrator that certain information is not required based upon the nature of the proposed antenna or communication tower:
- (1) A report from a qualified and licensed professional engineer that:
 - a. Describes the communication tower height, width including antennas, and design including a cross section and elevation; a site plan which demonstrates all building dimensions and horizontal setbacks of associated equipment, HVAC and decibels, paving, landscaping, security lighting, and fencing.
 - b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
 - c. Describes the communication tower's capacity, including the number and type of antennas that it can accommodate.
 - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications.
 - e. Includes an engineer's stamp and registration number.
 - f. Includes other information necessary to evaluate the request.
 - g. Includes the dimensions and expected quality of the existing and proposed transmission service area.
 - h. Includes the location, depth of utilities and other land lines connected to the communication tower and associated equipment.
 - i. Reviews potential interference with public safety telecommunications equipment and renders an opinion as to what the interference issues may be resulting from the proposed antenna, and recommendations as to how the interference can be mitigated. The report must also state whether or not the proposed antenna complies with all non-interference requirements of the FCC. A copy of the FCC approval of the antennae in regards to non-interference must be attached.
 - (2) For all communication towers which are not used solely for private use antenna, a letter of intent committing the communication tower owner and his or her successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
 - (3) Before the issuance of a conditional use permit and/or building permit, proof that the proposed communication tower complies with regulations administered by the Federal Aviation Administration and Federal Communications Commission shall be submitted.

(k) Discontinued or unused communication towers or antennas. All discontinued or unused communication towers or antennas or portions of communication towers and antennas, together with associated facilities shall be removed within 12 months of the cessation of operations at the site. In the event that a communication tower is not removed within 12 months of the cessation of operations at a site, the communication tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

(l) Amateur radio towers.

- (1) Communication towers supporting amateur radio antennas shall be exempt from subsections (d)(1) and (d)(2) above. They shall be setback at least 15 feet from any property line.
- (2) Amateur radio towers must be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.
- (3) As part of any administrative or Conditional Use Permit approval, any requirements of this Chapter may be modified to the extent necessary to provide reasonable accommodations to an amateur radio antenna to the extent required by federal law.

(m) Legal non-conforming towers. New or replacement antennas may be installed on a legal non-conforming tower so long as the new or replacement antenna does not increase the overall height of the tower and is designed to minimize visual impact.

(Ord. No. 2367-09, 1-23-09)

(Code 1976, §§ 14:6-7.0--14:6-7.6; Ord. No. 2164-00, 4-17-2000; Ord. No. 2325-07, 5-7-2007; Ord. No. 2367-09, 1-23-2009, Ord. No. 2462-15, 2-2-15; Ord. No. 2555-19, 3-18-19)

Sec. 36-368. Wind energy conversion systems (WECS).

(a) Purpose. The purpose of this section is to establish minimum requirements for the size, placement and maintenance of wind energy systems by adoption of regulations governing all wind energy systems in the city.

(b) Findings. The City finds that:

- (1) While there is limited opportunity for wind power generation in St. Louis Park, the City may have some sites that have the right characteristics of topography, land cover, and lack of turbulence for the land owner to consider wind energy as an option for sustainability. These sites tend to be large open areas typical of commercial, industrial or park properties.

- (2) Wind energy systems have the potential for nuisance and safety considerations including structural reliability, visual impacts, bird and bat kills, noise, shadow flicker, and ice throw. Therefore, careful consideration must be given when siting a wind energy conversion system.
- (3) Review of regulations may be appropriate as the WECS technology improves and changes resulting in alternative energy systems that are viable for St. Louis Park and greatly diminish the potential for being a nuisance to adjacent properties or the community.

(c) Standards by Zoning District. Table 36-369A lists in which zoning districts WECS are allowed. The table also identifies, by zoning district, the maximum allowed height, the maximum number of WECS allowed per lot and the minimum required lot size.

Table 36-369A				
WIND ENERGY CONVERSION SYSTEM STANDARDS				
District	Height Limit (feet)*		Max. # of WECS per lot*	Minimum Lot Size (acres)
	Permitted, up to	Conditional Use, up to		
C-2	110	170	2	1.5
O	110	170	2	1.5
I-P	110	199	4	1.5
I-G	110	199	4	1.5
* The height and number of systems per lot is dependent on meeting the setback requirements.				

(d) Setbacks. WECS shall meet the following setback requirements:

- (1) At least 110% of the WECS height from all property lines.
- (2) At least 100% of the WECS height from other WECS.
- (3) At least 20 feet from principal buildings.
- (4) The furthest reach of the blade must be at least 30 feet from the ground and any other obstruction.

(e) Design requirements. All WECS shall meet the following design requirement:

- (1) Monopole tower. All towers shall be of a free-standing monopole type that does not utilize guyed wires or any other means to support the tower.
- (2) Roof mounting. Roof mounted WECS are prohibited.
- (3) Minimize visual impact. WECS design and location shall minimize visual impact.
- (4) Color and finish. All WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective.
- (5) Tower lighting. WECS shall not be artificially lighted, except to the extent required by the FAA or other federal or state law or regulation that preempts local regulations.
- (6) Signs and displays. The use of any portion of a WECS for displaying flags and signs, other than warning or equipment information signs, is prohibited.

- (7) Associated equipment. Ground equipment associated with a WECS shall be housed in a structure. Structures housing equipment shall meet the architectural design standards of the Zoning Ordinance. Control wiring and powerlines shall be wireless or underground.
- (8) Braking system required. All WECS shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.
- (9) Design height. The applicant shall provide evidence that the proposed height of the WECS does not exceed the height recommended by the manufacturer or distributor of the system.
- (10) Interconnection agreement. The applicant shall provide a copy of the utility notification requirements for interconnection, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.
- (11) Technology standards. WECS must meet the minimum standards of a WECS certification program recognized by the American Wind Energy Association, such as AWEA's Small Wind Turbine Performance and Safety Standard, the Emerging Technologies program of the California Energy Commission, or other 3rd party standards acceptable to the City.

(f) Permits required. In addition to the information and permits required elsewhere in this Code, applications for a WECS shall include the following information unless it is determined by the Zoning Administrator that certain information is not required based upon the nature of the proposed WECS:

- (1) A dimensioned drawing that illustrates the total WECS height, including the footings and tower width.
- (2) A site plan illustrating that the proposed WECS complies with all setbacks and other requirements affecting where a WECS can be located.
- (3) A report that describes decibels at varying wind speeds for a set distance from the turbine, up to the cut-out wind speed.
- (4) Additional information requested by the Zoning Administrator necessary to evaluate the request.

(g) Noise. Audible sound due to wind energy system operations shall comply with the standards governing noise contained in the City of St. Louis Park Code of Ordinances.

(h) Abandonment and decommissioning. If the WECS remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.

(Ord. No. 2383-10; 5-28-2010, Ord. No. 2462-15, 2-2-15)

Sec. 36-369. Solar energy systems.

(a) Purpose. Regulations governing solar energy systems are established to provide for appropriate locations for solar energy systems, to ensure compatibility with surrounding uses, and to promote safe and effective use of solar energy to increase opportunities for generation of renewable energy.

(b) Findings.

- (1) The City of St. Louis Park desires to encourage the use of local renewable energy.
- (2) It is in the city's best interest to promote sustainable building design and management practices to serve the needs of current and future generations.
- (3) Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat reduces dependence on nonrenewable energy resources and decreases the air and water pollution that results from the use of conventional energy sources.
- (4) Distributed solar photovoltaic systems will enhance the reliability and power quality of the power grid and make more efficient use of St. Louis Park's electric distribution infrastructure.
- (5) Solar energy is an underused local energy resource and encouraging the use of solar energy will diversify the city's energy supply.

(c) Administrative review process.

- (1) *Permit required.* A permit shall be issued prior to the installation of a solar energy system.
- (2) *Submittal requirements.* An application for a solar energy system shall be filed on a form approved by the zoning administrator. In addition, the applicant shall submit the following:
 - a. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a solar energy system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.
 - b. All solar installations must comply with applicable building, electric and plumbing codes.
- (3) *In general.* The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(d) Standards by zoning district. Solar energy systems are allowed as provided in each zoning district and must comply with the provisions of this ordinance.

- (1) *Building-mounted solar energy systems.*
 - a. Building mounted solar energy systems are permitted as an accessory use in all zoning districts.
 - b. Building-mounted solar energy systems shall comply with the dimensional standards applicable to the structure it is attached to.
 - c. Notwithstanding the height limitations of the zoning district, building mounted solar energy systems shall not extend higher than three (3) feet above the ridge level of a roof on a structure with a gable, hip, or gambrel roof and shall not extend higher than ten (10) feet above the surface of the roof when installed on flat or shed roof.

d. The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one (1) foot from the exterior perimeter of a roof for each one (1) foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which the system is mounted. Solar energy systems that extend less than three (3) feet above the roof surface shall be exempt from this provision.

e. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Measures to minimize nuisance glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

(2) *Freestanding solar energy systems.*

a. Freestanding solar energy systems located in a residential district shall be considered an accessory structure and are governed by all the regulations as such except that they are not permitted in the front yard or side yard abutting the street.

b. Freestanding solar energy systems located in all other zoning districts shall be considered accessory structures unless stated otherwise in a zoning district. Freestanding solar energy systems as accessory structures are governed by all the regulations as such with the following exceptions:

- i. Freestanding solar energy systems shall be located at least three feet from the interior side and rear lot lines not adjacent to residential zoning districts.
- ii. Freestanding solar energy systems are not permitted in the front yard or side yard abutting the street required for accessory structures unless installed over parking lots or parking structures.
- iii. Freestanding solar energy systems cannot exceed 20 feet in height, measured from the ground to the highest point of the system.

c. The area of a freestanding solar energy system shall be determined by drawing the smallest possible polygon around the perimeter of the solar collector surfaces as arranged on the ground.

d. The solar collector surface shall not be included when determining pervious/impervious surface. Determination shall defer to the surface material underneath the solar collector surface.

e. The area of the solar collector surface of freestanding solar energy systems shall be included in the maximum allowed size for accessory buildings unless otherwise noted in this chapter. Notwithstanding any other provision to the contrary, solar energy systems installed over parking lots and parking structures shall not count toward the maximum solar collector surface area allowed.

f. The supporting framework for freestanding solar energy systems shall be constructed of materials designed for permanent outdoor use.

g. All abandoned or unused freestanding solar energy systems shall be removed within twelve (12) months of the cessation of operations.

h. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Measures to minimize nuisance glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

Sec. 36-370. Opt-out of Minnesota Statutes Section 462.3593. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.
(Ord. No. 2497-16, 8-15-16)

Secs. 36-371--36-400. Reserved.

(Ord. No. 2462-15, 2-2-15; Ord. No. 2497-16, 8-15-16)