

Planning commission meeting and study session

The St. Louis Park planning commission is meeting in person at St. Louis Park City Hall, 5005 Minnetonka Blvd. Members of the public can attend the planning commission meeting in person or watch the regular meeting by webstream at bit.ly/watchslppc and on local cable (Comcast SD channel 14 and HD channel 798). Visit bit.ly/slppcagendas to view the agenda and reports.

You can provide comment on agenda items in person at the meeting or by emailing your comments to info@stlouispark.org by noon the day of the meeting. Comments must be related to an item on the meeting agenda.

Agenda

PLANNING COMMISSION

1. Call to order – roll call
2. Approval of minutes – August 7, 2024 regular meeting and study session
3. Hearing
 - 3.a. Zoning Text Amendment – breweries with taprooms
Applicant: Karl Eicher
Case No: 24-17-ZA
4. Other Business
5. Communications
6. Adjournment

PLANNING COMMISSION STUDY SESSION

1. Zoning code update

Future scheduled meeting/event dates:

September 18, 2024 - planning commission regular meeting

October 9, 2024 - planning commission regular meeting*

October 16, 2024 - planning commission regular meeting

November 6, 2024 - planning commission regular meeting

*Meeting held on October 9 because Rosh Hashanah begins on October 2.

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Planning commission
Unofficial Minutes

Members present: Jim Beneke, Matt Eckholm, Sylvie Hyman, Katie Merten, Jan Youngquist
(arrived 6:05 p.m.)

Members absent: Mia Divecha, Tom Weber

Staff present: Sean Walther and Katelyn Champoux

Guests: None

- 1. Call to order – roll call.**
- 2. Approval of minutes – May 1, 2024 and May 22, 2024**

Vice Chair Eckholm noted on page 6, it should not include the words specifically “...15-18 story building...”

It was moved by Commissioner Merten, seconded by Commissioner Beneke, to approve the May 1 and May 22, 2024 minutes with corrections as noted. The motion passed unanimously.

- 3. Hearings.**
- 3a. Tree preservation ordinance**
Applicant: City of St. Louis Park
Case No: 24-15-ZA

Ms. Champoux presented the report. She noted the first reading will go to council on Monday, Aug. 19 and second reading on Monday, Sept. 9, 2024.

Commissioner Merten asked about tree preservation credits and if the tree needs to be in good shape and if they would also look at the lifespan of the tree as well.

Ms. Champoux stated the city forester does look at trees to make sure they are healthy, but she is not sure about the lifespan question.

Commissioner Merten asked about the tree preservation, and if that is for existing homeowners. Ms. Champoux stated the policy applies to commercial and residential properties, which is a broad definition. She noted if a single-family parcel subdivides, it would apply.

Unofficial minutes
Planning commission
Aug. 7, 2024

Commissioner Beneke asked about trees fitting on properties. Ms. Champoux stated if someone could not meet the tree replacement requirements, then the fee would be applied or the option to plant off-site in a public space with city permission.

Commissioner Beneke asked about replacing trees. Ms. Champoux stated it would depend on how many must be preserved, and depending on how many were removed. Mr. Walther added tools will be provided for folks to clarify the formulas within the code on tree replacement.

Commissioner Merten asked when the replacement of heritage trees is required, does it need to be a similar tree. Ms. Champoux stated there is direction within the code on type and size required. She stated there is a minimum size requirement of 2.5 caliper inches for new trees and requirements to diversify the types of trees on the site. Mr. Walther added it would need to be a tree "in-kind" and not a dissimilar tree.

Commissioner Youngquist asked about the difference between caliper inches and diameter inches noted in the report. Ms. Champoux stated diameter inches are used for mature trees while caliper inches are used for nursery stock trees. Diameter inches are measured at 4.5 feet in height and caliper inches are measured closer to the ground.

Commissioner Hyman asked how this policy is enforced. Ms. Champoux stated the tree preservation plans are part of landscape plans and are reviewed as part of the planning application process. Landscape inspections are then completed.

Mr. Walther stated this relates to new construction or a land disturbance program, importing or exporting soils.

Commissioner Hyman asked if there is monetary value or incentives to the preservation credits. Ms. Champoux stated property owners do not receive money for preserving more than they remove. The preservation credit reduces the total replacement requirement up to 50%. If no trees are removed, there is no replacement required and no incentive.

Commissioner Hyman asked if there are incentives to locate trees in areas where they are more likely to live rather than in areas that may limit their lifespan such as near sidewalks or close to buildings. Ms. Champoux stated the city's natural resources department reviews the landscape plans for the proposed location of trees and will recommend the applicant plant a tree in a different location if the originally proposed location is not suitable for healthy tree growth.

Commissioner Hyman asked about trees under power lines and how can the city prevent trees being planted there. Ms. Champoux stated if it is on a development and there are comments on a proposal the city would recommend that trees are not planted that would grow into utility lines. Mr. Walther added the city provides advisory on this and also educational handouts related to this as well.

Vice Chair Eckholm opened the public hearing.

There were no comments from the public.

Vice Chair Eckholm closed the public hearing.

Vice Chair Eckholm thanked staff for this report and stated preserving the tree canopy in St. Louis Park is very important, adding he will support this.

It was moved by Commissioner Merten, seconded by Commissioner Youngquist, to approve the tree preservation policy amendments as presented. The motion passed unanimously.

4. Other Business – none.

5. Communications.

Mr. Walther noted the next two meetings are Aug 21 with a BOZA meeting as well as a study session. There will also be a planning commission meeting on Sept. 9.

6. Adjournment – 6:30 p.m.

Sean Walther, liaison

Matt Eckholm, Vice Chair member

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Planning commission

Study session **Unofficial Minutes**

Members present: Jim Beneke, Matt Eckholm, Sylvie Hyman, Katie Merten, Jan Youngquist

Members absent: Mia Divecha, Tom Weber

1. Zoning code update

Mr. Walther noted comments received on the zoning code updates. He noted residents replied in June after several open houses. He stated there was a lower turnout than expected, but noted there was good online engagement. Mr. Walther stated there were approximately 450-500 people who responded both in-person and online.

Commissioner Hyman asked about mixed use and what areas will allow commercial other than N4 areas. Mr. Walther stated it is not clear as yet, and multiple changes have been made over the last few years about home businesses and expanded this to even allow one employee to come into a home business.

Commissioner Eckholm noted overlays and stated possibly commercial can be added in a certain area since it may already have commercial. He added under certain circumstances, possibly an area can be one thing, but also another based on broad uses. Mr. Walther agreed and pointed out only commercial areas do not allow for residential. He stated the PUD will be a path to that in the future.

Commissioner Eckholm stated he would like to see 2-3 story apartments along Minnetonka Blvd in order to build a denser housing area, and hoped certain corridors with N2 would also allow for this as well.

Mr. Walther stated in the next iteration of information, he hopes to include use table, so the commission can insert information.

Commissioner Beneke stated he still has concerns about not allowing owner-occupied and would like to study that more. He would like more of a statement related to this.

Mr. Walther stated during the audit, concerns included the small lot sizes, and there was also more support from the community for smaller developments, but if that is prohibited, developers will not provide them. He added some changes were made in zoning because of this interest in smaller developments.

Commissioner Beneke asked that staff respond to this strongly.

Commissioner Hyman stated feedback comments noted owner occupancy rates that have gone up over the years and asked if there is any fact-checking that can be done. Mr. Walther stated that is inaccurate and there are very low vacancy rates in the city.

Commissioner Hyman asked about owner land trusts, noting the reason people do not own a home is because they cannot afford to, so community and trusts would help. She asked if there is more information on that. Mr. Walther stated there are multiple locations around the city that are land trusts, one of which staff is working to have 4 duplexes built on, just west of Lake Street on Minnetonka Blvd.

Mr. Walther stated the city works with groups to administer programs, but the city finances the land trust programs.

Commissioner Merten stated the state and city can both provide loans to first-time homeowners. Mr. Walther agreed.

Commissioner Eckholm added there is legislation proposed for more housing reform at the state level, including the condominium building issue as well, to help push costs down for many people.

The commissioner discussed their concerns regarding condominiums vs. apartments and also hedge funds coming into the city to buy homes to rent out.

Commissioner Mertens stated we should not limit who can move into the city, adding some people choose to rent their entire life, vs. purchasing a home, and many cannot afford to do so.

Commissioner Youngquist stated some of the comments were frustrating, and added there is nothing wrong with renters. She stated homeownership is helpful to build wealth, but the mindset is that renters bring down property values.

Commissioner Merten stated she did not purchase a home to sell it in 3 years or improve it for the next owner.

Commissioner Youngquist stated comments from the community about housing and the N3 and N4, there are six responses and most of these homeowners are white males. She stated the data may not hold the value that is being given to it.

Commissioner Merten stated people do want housing in the missing middle, so that should be provided.

Commissioner Hyman stated HOA fees make it difficult for people to purchase condominiums also. She stated possibly the city could set regulations on HOA fees.

Mr. Walther stated the city does not look into assistance with HOA fees, but they have intervened where developments were not kept up and they did not charge fees, and then work to help them get funding to maintain those investments.

Commissioner Hyman asked if N1 allows for a secondary structure. Mr. Walther said the city allows for ADUs and garages and ADUs up to 24 feet if they meet certain design requirements. He stated they wanted to be sure they were allowed but not to become buildings that people get used to seeing.

2. Cannabis zoning

Ms. Champoux presented the report. She gave an overview of the legislation and a recap of conversations with the council on this.

Mr. Walther noted these regulations must be in place by the beginning of 2025.

Commissioner Merten asked if this regulates the growing or selling of cannabis. Ms. Champoux stated it is both, with growing or producing it on the commercial side.

Commissioner Eckholm asked whether the buffer restrictions in the legislation are meant to stop local governments from requiring 20,000-foot buffers from everything, for example. Ms. Champoux stated yes. This is likely part of the reasoning behind the requirement to allow for at least one retailer per 12,500 residents. Mr. Walther added that this legislation is for adult-use cannabis so the buffer from schools, daycares, etc. are meant to prevent underage people from using it. Commissioner Eckholm added that he also interpreted these regulations as not allowing local governments to fully prohibit cannabis retailers.

Commissioner Youngquist asked what language we are proposing for the cap on cannabis retailers in the zoning code. Ms. Champoux stated that the language will indicate the cap as one per 12,500 residents rather than stating a specific number as this may change over time with population growth.

Commissioner Youngquist asked if a cannabis producer has a dispensary, would the regulations for dispensaries apply as well. Mr. Walther stated yes, that is correct.

Commissioner Beneke asked if the term “cannabis” in this context includes the THC edibles sold at gas stations and other places currently. Ms. Champoux stated that hemp products are referred to as low potency hemp in statute and non-hemp cannabis products are referred to as cannabis products. Commissioner Beneke asked whether the regulations apply to the products already legally sold in gas stations in the city. Mr. Walther stated that the zoning regulations will apply to both product types but not in the items presented today. The licensing for both will happen at the state level now. Mr. Walther also stated that staff will come better prepared to answer these questions and the distinctions between the two product types in the future.

Commissioner Eckholm asked if the new zoning allows for municipal cannabis dispensaries. Mr. Walther stated yes, the legislation allows for municipal sales if the city wants to participate in

this. The legislation states that a municipal cannabis store would not count toward the minimum retailers we are required to allow.

Ms. Champoux stated this will be discussed at city council on Sept. 23 and then will come back to planning commission for a public hearing and then back to the council for final approval before Jan. 2025.

Commissioner Youngquist asked if the code would prohibit on-site consumption at dispensaries. Ms. Champoux stated yes.

Commissioner Youngquist asked if staff have looked at whether the proposed buffers impact the existing locations of low potency hemp retailers. Ms. Champoux stated no, not at this time. Mr. Walther added that this will not give a business a leg up in doing this. Staff have communicated that the regulations are not yet finalized and won't be finalized until the end of the year.

Commissioner Merten stated she would like to know about variances in these cases and what the code allows.

Mr. Walther noted when the state took over licensing, they took away licensing policies for the city. He stated if it is in the zoning code, owners can apply for a variance, but they aren't likely to receive the variance. The city cannot prevent a business from applying for a variance, but it can discourage them from applying.

Commissioner Hyman asked why we would want to allow only four cannabis retailers. Mr. Walther stated that this is a policy question. The council has not yet weighed in on this. Staff made an assumption based on conversations thus far that council may want to limit the number of retailers. Planning commission could recommend to not have the cap on retailers but to keep the buffers.

Commissioner Youngquist asked whether the city limits the number of liquor stores. Mr. Walther stated no, it has in the past but it does not currently have a limit.

Commissioner Eckholm asked how many tobacco and vape shops are in St. Louis Park, adding these are the shops that may try to convert.

Commissioner Merten stated what is to stop someone who manufactures cannabis from buying a whole city block and putting a greenhouse on it. Mr. Walther stated it will only be allowed in industrial zones.

Commissioner Hyman asked for more detail on the cap of four cannabis retailers.

Mr. Walther stated staff assumed the council would not want to allow more than four, but we could be wrong. The buffers also limit the number of cannabis dispensaries and help create a balance within the city so they are not all located in one neighborhood. There are a few areas of the city where this use would be permitted and with the proposed buffers, once one locates

in that area, other dispensaries can no longer open in that area. It's a balance of both sides of the equity question: How do we avoid a concentration of this use in one area of the city and bear the brunt of the less desirable impacts? And how do we ensure people have equitable access to these uses?

Commissioner Eckholm stated if there are four dispensaries, they are successful, none are located in West End so that area is still open, and a dispensary comes in that wants to locate there, we may reconsider the cap. This doesn't necessarily have to be the last time we talk about it.

Commissioner Merten asked if the city benefits from the sales with a tax of some kind. Mr. Walther stated there is a small sales tax benefit.

Commissioner Hyman stated it seems like this is an unnecessary barrier. She added she is wondering why the city is trying to discourage this, especially when the low potency product is already available.

Commissioner Eckholm stated it makes sense to have some concerns because if other cities set more strict regulations and we don't, we may see more of these businesses in our community. But if all local governments are prudent with their regulations, these businesses should distribute across the metro more evenly, and then exceptions or changes can be made at a later date.

Commissioner Hyman asked if other cities restricted it more than St. Louis Park, would not that be beneficial for St. Louis Park.

Commissioner Eckholm stated it could be, but added he would rather open the door cautiously. He stated changes can be made at any time also.

Commissioner Beneke asked what if there are more than 4 that apply. Mr. Walther stated he is not sure how that might be handled. He added there is an option at the state for social equity applicants, and some businesses can get early licensing so they have a head start in finding a location. He added that the council will give direction on this ultimately, but the policy question will be looked at as part of the process by the planning commission and then the council. He stated there will be one more check-in on policy and then the formal process will begin with a public hearing and then it will go to the council for final action.

3. **Adjournment** – 8:00 p.m.

Sean Walther, liaison

Mia Divecha, chair member

3a Zoning text amendment – Breweries with taprooms in IG – general industrial district

Case Number 24-17-ZA

Applicant Karl Eicher, owner of Haggard Barrel Brewing

Review Deadline 60-Days: 10/6/2024 120 Days: 12/5/2024

Recommended Actions Chair to open the public hearing, take testimony and close the public hearing.

Motion to recommend approval of the zoning text amendment regarding breweries in the I-G general industrial zoning district.

Summary of Request: The applicant, Karl Eicher, owner of Haggard Barrel Brewing, requests a zoning text amendment to the St. Louis Park city code chapter 36, sections 36-244(b) and (c) to:

1. Remove brewery from the list of “permitted uses” in section 244(b).
2. Add brewery to the permitted with conditions list in section 36-244(c) with the following condition:
 - a. Up to 25% of the gross floor area of the brewery may be used for any combination of retail and taproom.

Background: The applicant operates an existing brewery, Haggard Barrel Brewing, at 6413 Cambridge Street. He would like to open a taproom; however, taprooms are not currently allowed in the I-G general industrial district. Therefore, he is requesting an amendment to the zoning ordinance to allow taprooms as an accessory use to breweries in the I-G general industrial zoning district

Analysis: The city allows breweries with taprooms in several districts. Below is a table showing districts that currently allow taprooms in breweries and what conditions may be required. The term “permitted with conditions” means it is allowed administratively if it meets the conditions specific to that use.

Zoning district	Taprooms in breweries	Conditions
BP – business park	Permitted with conditions	a. The brewery shall not produce more than 20,000 barrels of malt liquor per year. b. Up to 25% of the gross floor
I-P – industrial park	Permitted with conditions	a. The brewery shall not produce more than 20,000 barrels of malt liquor per year. b. Up to 15% of the gross floor area of the Brewery may be used for any combination of retail and a taproom.
I-G – general industrial	Not permitted	
MX-1 vertical mixed use	Permitted with conditions	a. The brewery shall not produce more than 20,000 barrels of malt liquor per year. b. The maximum overall gross floor area is limited to 20,000 square feet.

		<ul style="list-style-type: none"> c. A taproom and/or retail outlet is required and shall be located in the Primary Street storefront of the building. d. The taproom and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit. e. Alcohol produced off-site shall not be sold on-site, this includes both on-sale and off-sale transactions f. This use may also include associated facilities such as offices and small-scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.
MX-2 neighborhood mixed use	Permitted with conditions	Same as MX-1 (listed above)

As indicated in the table, the conditions applicable to the taprooms vary between the zoning districts. The conditions required in the mixed-use district, for example, are the result of the intended purpose of that district, specifically walkable streets with pedestrian oriented storefronts. The purpose of the mixed-use zoning district is not consistent with the general industrial zoning district, and therefore some of the conditions required in the mixed-use zoning district are not applicable to the general industrial zoning district.

The general industrial zoning district is similar to the industrial park zoning district, therefore, the conditions required for the general industrial zoning district should be more consistent with the industrial park zoning district.

State statute allows taprooms at breweries that produce less than 250,000 barrels. This limit has increased over the past few years from the initial amount of 20,000 barrels. Staff is recommending not to include the condition limiting the total barrel production of the brewery to 20,000 barrels, and instead, relying on the limit established in the state statute.

While the city does not allow taprooms in the general industrial zoning district, it does allow distilleries to operate cocktail rooms. It is staff's opinion that operating a taproom in the general industrial zoning district is similar to distilleries operating cocktail rooms

Please note that while the applicant's intent is to change the code so he can operate a taproom at the Haggard Barrel Brewing location at 6413 Cambridge Street, the city should review the text amendment more broadly because it would apply to all properties in the city that are zoned I-G – general industrial.

Staff Recommendation: Staff recommends approval of the zoning text amendment regarding breweries in the I-G general industrial zoning district with the condition recommended by staff.

Attachments: proposed zoning ordinance

Prepared by: Marcus Hansen, community development intern

Reviewed by: Gary Morrison, zoning administrator

Sean Walther, planning manager/deputy community development director

Ordinance No. _____ -24

Ordinance amending chapter 36 of the city code regarding breweries and taprooms in the IG-General Industrial zoning district

The city council of the City of St. Louis Park, Minnesota does ordain:

Whereas, an application was received to amend chapter 36 pertaining to zoning, to amend the regulations regarding breweries and taprooms in the IG-General Industrial zoning district to allow taprooms as an accessory use to breweries, and

Whereas, the planning commission conducted a public hearing on September 4, 2024 on the ordinance, and

Whereas, the City Council considered the advice and recommendation of the planning commission (case no. 24-17-ZA), and

Now, therefore be it resolved that the following amendments shall be made to the City Code:

Section 1. Chapter 36, Section 36-244(b) of the St. Louis Park City Code is hereby amended to remove the following struck-out text:

~~(14) Brewery.~~

Section 2. Chapter 36, Section 36-244(c) is hereby amended to add the following underlined text:

(18) Brewery. The conditions are as follows:

- a. Up to 25% of the gross floor area of the Brewery may be used for any combination of retail and a taproom.

Section 3. This ordinance shall take effect fifteen days after its passage and publication.

First Reading	
Second Reading	
Date of Publication	
Date Ordinance takes effect	

Reviewed for administration: Adopted by the city council

By: _____
Kim Keller, city manager

By: _____
Nadia Mohamed, mayor

Regular meeting of September 4, 2024 (Item No. 3a)

Title: Zoning text amendment-breweries with taprooms in IG - general industrial district

Attest: Approved as to form and execution:

Melissa Kennedy, city clerk

Soren M. Mattick, city attorney

1 Discussion of Use tables for Zoning Code Update, Phase 1

Recommended action: No action needed at this time. Staff will present a list of proposed uses for the proposed new neighborhood districts. The planning commission is asked to review these in advance and provide input to staff.

Background: The planning commission input to date has focused on the housing types and dimensional standards such as lot sizes, setbacks, maximum height, and the zoning map and district locations. Staff requests planning commission review and input regarding other uses to allow, beyond just the types of housing. The list attached to this report includes principal uses, such as educational facilities and places of worship, and accessory uses to any principal use allowed within the district. The complete list is found in Chapter 36, Article IV, Division 4.

Also included in this report is a copy of the complete proposed draft ordinance. This draft ordinance displays all of the proposed residential zoning district uses and standards the planning commission and public has seen, and now in the proposed ordinance format. This format includes easier to read tables to identify uses allowed in each district and the manner they are allowed, such as permitted, permitted with standards, conditional use permit and accessory. This format greatly simplifies the ordinance. It reduces the number of pages. Reduces redundancy and unnecessarily variable regulations between the districts for the same uses. And displays basic and relevant information that helps people understand similarities and distinctions between districts and helps them identify which districts they may conduct uses.

Draft ordinance: The draft ordinance consists of the following four documents. The documents are designed to replace in their entirety the existing articles/divisions of the code.

1. Article 1-General. This consists of general information that applies to the entire zoning ordinance such as definitions. Definitions were added for the new housing types, and all definitions that are currently scattered throughout the zoning ordinance are not consolidated into this one list of definitions.
2. Article IV, Division 1 – Generally. This replaces the existing residential district names with the proposed neighborhood names. No substantial changes to this division.
3. Article IV, Division 2 – Land Use. This division is updated to include the new housing types.
4. Article IV, Division 4 – Residential District Standards. This division replaces the current five residential districts with the proposed four neighborhood districts and displays the allowed uses and required standards in table format.

Next steps: The consultants and staff will present the community engagement summary, the planning commission's recommendation, and the complete draft amendments to the city council on September 9, 2024. Staff will ask the city council for direction to proceed with having the planning commission conduct the public hearing, then upon completion of the public hearing, bringing the ordinance to the council for adoption.

Attachments: Draft ordinance

Prepared by: Gary Morrison, zoning administrator

Reviewed by: Sean Walther, planning manager/deputy community development director

ARTICLE I. IN GENERAL

Division 1. INTRODUCTORY PROVISIONS

Sec. 36-1. Findings

The city council finds it necessary to accomplish the following:

- (1) Protect the residential, business, industrial and public areas of the community and maintain their stability.
- (1) Promote the most appropriate and orderly development of the residential, business, industrial and public areas.
- (2) Provide adequate light, air and convenient access to property.
- (3) Limit congestion in the public rights-of-way.
- (4) Prevent overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land surrounding them.
- (5) Provide for compatibility of different land uses.
- (6) Require that development proceed according to the principles, goals, objectives, implementation strategies, and land use designations established in the city's comprehensive plan.
- (7) Maintain a tax base necessary to the economic welfare of the city by insuring optimum values for property in the city.
- (8) Enhance the aesthetic character and appearance of the city.
- (9) Conserve natural resources and environmental assets of the community.
- (10) Provide adequate off-street parking and loading facilities.
- (11) Define the powers and duties of the board of zoning appeals and the planning commission.
- (2) Provide effective administration of this chapter and any future amendments to the ordinance from which this chapter is derived and prescribe penalties for the violation of its requirements.
- (3) Establish a continuing system of review of this chapter to ensure it will be amended to meet the changing needs of the community and advances in science and the arts.
(Code 1976, § 14:1-1.2)

Sec. 36-2. Purpose and intent of chapter.

To implement these findings, the city council, through this chapter, establishes minimum requirements to protect the public health, safety, morals, comfort, convenience and general welfare of the people. This chapter shall divide the city into use districts and establish regulations which control the location, erection, construction, reconstruction, alteration and use of structures and land.

(Code 1976, § 14:2)

Sec. 36-3. Rule of construction.

- (a) Construction. The following rules of construction govern the interpretation of the language of this chapter:
 - (1) The singular number includes the plural and the plural the singular.
 - (2) The present tense includes the past and future tenses and the future includes the present.

(3) The word "shall" is mandatory, and the word "may" is permissive.

Whenever a word or term which is defined in this chapter appears in the text of this chapter, its meaning shall be that stated in the chapter definition. Words or terms which are not defined in this chapter shall have the meaning found in the most recent edition of Webster's Unabridged Dictionary. Words not defined in that dictionary shall have their ordinary, usual meaning at the time the word or term is being applied to a zoning question or situation. General words are construed to be restricted in their meaning by preceding particular words.

(b) Interpretation. The following rules apply to determine the boundaries of a zoning district or the status of a land use:

(1) Zoning district boundaries.

- a. In determining the location of zoning district boundaries, the zoning administrator shall consider the provisions of [section 36-114](#). If these provisions are not applicable and distances and dimensions are not labeled, the zoning administrator shall determine the location of the line by scaling from the official copy of the zoning map.
- b. If the zoning administrator determines the location of the zoning district boundary along a line which passes through a building or structure, the boundary line shall be adjusted so that the line falls outside of the building or structure at a location most compatible with the purpose and intent of this chapter.

(2) Land use.

- a. The only uses which can be made are those uses listed in the district and these are permitted only in the manner described by this chapter.
- b. Any person seeking to establish a use of land or a building which is not specifically listed in any of the use categories in this chapter may ask the zoning administrator which category of use shall be applied. The zoning administrator's decision will establish whether the proposed use is permitted under any of the categories in this chapter. The zoning administrator shall consider functional similarities between uses listed in this chapter and the proposed use including nuisance characteristics, traffic, appearance and mode and hours of operation in making this determination. The determination of the zoning administrator shall be in writing and shall include a statement whether the use is designated as "permitted," "permitted with conditions," "permitted as a conditional use" or "permitted as an accessory use." If the zoning administrator determines that the proposed use is not permitted under any category, that conclusion shall be stated in the written determination.

(3) Appeal. Any decision of the zoning administrator determining zoning district boundaries or permitted land uses may be appealed to the board of zoning appeals under the provisions of [subsection 36-31\(a\)](#).

(4) Performance time; delivery and filing time. Where the performance or doing of any act, duty, matter, payment or thing is ordered or directed and the period of time or duration for the performance or doing thereof is described and fixed by this chapter, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on

Saturday, Sunday, or a legal holiday, that day shall be omitted from the computation. When an application, payment, drawing, contract or other document is to be delivered to or filed with any department of the city or other unit of government on or before a prescribed date and the prescribed date falls on a Saturday, Sunday, or legal holiday, it is timely delivered or filed if it is delivered or filed on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

- (5) Purpose of interpretation and construction of chapter. The object of all interpretation and construction of this chapter is to ascertain and effectuate the intention of the city council. This chapter shall be construed, if possible, to give effect to all the chapter provisions. When the words of this chapter in their application to an existing situation are clear and free from all ambiguity, the letter of this chapter shall not be disregarded under the pretext of pursuing the spirit.
 - a. When the words of this chapter are not explicit, the intention of the city council may be ascertained by considering, among other matters:
 1. The occasion and necessity for this chapter or specific provision.
 2. The circumstance under which it was enacted.
 3. The mischief to be remedied.
 4. The object to be attained.
 5. The former zoning ordinance.
 6. The consequences of a particular interpretation.
 7. Administrative interpretations of this chapter and interpretations by the board of zoning appeals and the city council.
 - b. In ascertaining the intention of the city council, the following presumptions apply:
 1. The city council does not intend a result that is absurd, impossible of execution, or unreasonable.
 2. The city council intends the entire chapter to be effective and certain.
 3. The city council does not intend to violate the Constitution of the United States or the state constitution.
 4. The city council intends to favor the public interest as against any private interest.
- (6) Grammatical errors. Grammatical errors shall not destroy the application of this chapter. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. Words and phrases which may be necessary to the proper interpretation of this chapter and which do not conflict with its obvious purpose and intent, nor in any way affect its scope in operation, may be added in the construction thereof.
- (7) Provisos. Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer. Exceptions expressed in this chapter shall be construed to exclude all others.

- (8) Penalty; forfeiture. When a penalty or forfeiture is provided for the violation of this chapter, such penalty or forfeiture shall be construed to be for each such violation. Each day that a violation exists shall constitute a separate violation.
 - (9) Provision conflicts. When a general provision of this chapter conflicts with a special provision in this chapter, the two shall be construed if possible so that effect shall be given to both. If the conflict between the two provisions is irreconcilable, the special provisions shall prevail and shall be construed as an exception to the general provision unless the general provision was enacted subsequent to the special provision and it shall be the manifest intention of the city council that such general provisions shall prevail. When several clauses are irreconcilable, the chapter clause last in order of date or position shall prevail. When the provisions of two or more amendments to this chapter passed at different dates are irreconcilable, the amendment latest in date of final enactment shall prevail.
 - (10) Amendment. When a section or part of the ordinance from which this chapter is derived is amended, the amendment shall be construed as merging into the original ordinance, becoming a part thereof, and replacing the part amended, and the remainder of the original ordinance and the amendment shall be read together and viewed as one ordinance passed at one time. The portions of this chapter which were not altered by the amendment shall be construed as effective from the date of the first enactment, and the new provision shall be construed as effective only from the date when the amendment became effective. When this chapter adopts the provisions of state statute by reference, it also adopts by reference any subsequent amendments of that statute except when the intent of the city council is clearly to the contrary. If two or more amendments to the same provision or this chapter are enacted at the same or at different times, one amendment overlooking and making no reference to the other, the amendments shall be construed together if possible and effect be given to each. If the amendments are irreconcilable, the amendment latest in date of final enactment shall prevail.
 - (11) Appendix. The appendix is for information purposes only and is not intended to govern.
 - (12) Diagrams. Diagrams, where provided, are intended to be illustrative only and may not be drawn to scale. Where a conflict exists between a diagram and text, the text shall prevail.
- (c) Separability. Provisions in this chapter are separable if the following events occur:
- (1) If a court of competent jurisdiction finds any provision of this chapter to be invalid, that judgment shall not affect any other provision of this chapter not specifically included in the judgment.
 - (2) If a court of competent jurisdiction finds the application of any portion of this chapter to a particular property, building, or other structure invalid, that judgment shall not affect the application of the provision to any other property, building or structure not specifically included in the judgment.
 - (3) If a court of competent jurisdiction finds any individual condition of a conditional use permit invalid, that judgment shall not invalidate any other condition of the same

conditional use permit not specifically included in such judgment nor shall it invalidate the application of the same condition in any other conditional use permit.

(d) Jurisdiction and authority.

- (1) This chapter is enacted under the authority granted to the city in state statutes. If those statutes are amended to restrict or enlarge the authority delegated to the city, those amendments shall be incorporated into this chapter.
- (2) Any action by the city to extend the time limit to process a zoning application in accordance with Minn. Stat 15.99, as amended, may be taken administratively without city council approval.
- (3) This chapter governs the use of all land and structures in the city unless such regulation is specifically preempted by state or federal statutes or regulations.
(Ord. No. 2419-12, 9-14-12)

(e) Application.

- (1) Minimum requirements. The provisions of this chapter are the minimum requirements for the promotion of the public health, safety, morals and general welfare.
- (2) More restrictive applications. Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any other applicable law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall control.
- (3) Mixed use. All regulations applicable to each use in a mixed-use development shall be applicable, except where the mixed use is approved under [section 36-367](#) or where parking is approved under [subsection \(b\)\(2\)l. of section 36-361](#).
- (4) Essential services. Essential services shall be permitted as authorized and regulated by state law and ordinances of the city. Such essential services are exempt from the application of this chapter, except when they are conducted in the FW, FF and FP overlay districts.
- (5) Measurement. All measured distance expressed in feet shall be to the nearest tenth of a foot. The measurement of distances when required by this chapter shall be done in a straight line in the plane located at a point one foot above the highest point in the surface of the ground along the path of measurement, from the closest exterior wall (extended vertically if a cantilever) of a building containing the use to the property line of the adjacent street, district, or lot or other boundary line. If the use is not within a building, the measurement shall be the shortest distance from the location of the use to the property line of the adjacent street, district, or lot or other boundary line.
(Code 1976, § 14:2-0; Ord. No. 2419-12, 9-14-2012)

Sec. 36-4. Definitions.

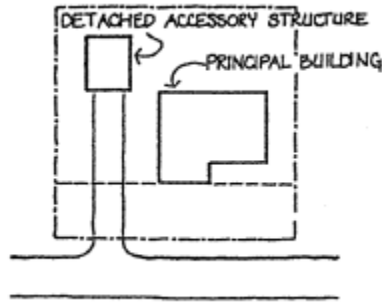
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in [this section](#), except where the context clearly indicates a different meaning:

Abandonment means to cease or discontinue a use or activity for any reason, but excluding temporary interruptions to the use during periods of building or remodeling where a valid building permit has been issued or during periods of routine seasonal closure.

(a) Abutting means having a common border or boundary with or being separated from such a common border by an alley. This term is used interchangeably with adjacent and adjoining.

Access aisle and aisle mean the traveled way by which vehicles enter and depart parking spaces.

(b) Accessory use or structure means a use or a structure subordinate to the principal use or structure on the same land and customarily incidental thereto. In the case of an accessory structure, both the building footprint and building height of an accessory building are smaller than the principal building.



(c) Adjacent means having a common border or boundary with or being separated from such a common border by an alley. This term is used interchangeably with abutting and adjoining.

(d) Adjoining means having a common border or boundary with or being separated from such a common border by an alley. This term is used interchangeably with abutting and adjacent.

Alley means a public right-of-way, with a width not exceeding 24 feet nor less than 12 feet which affords a secondary means of access to property abutting the alley.

Alteration means any change, addition, or modification in construction or occupancy of an existing structure or modification to the surface of the ground.

Basement means that portion of the building having more than half the ground floor-to-ceiling height below the average grade of the adjoining ground.

(e) Berm means a land alteration where fill is added to the surface of the ground in order to create an earthen mound or hill generally used in conjunction with walls, fences, or plant materials to screen one parcel of land from another or from a street.



Landscaped Berm

Block front means the distance between intersections along one side of a street.

Boardinghouse means a building other than a motel or hotel where for compensation or by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed eight persons.

Boulevard means that portion of a street right-of-way between the curblines and property line.

Building means any structure having a roof which may provide shelter or enclosure of persons, animals or personal property.

Building face means that portion of the exterior wall of a structure which shall lie in a vertical plane. One face shall be terminated by an exterior angle of at least 210 degrees formed by two exterior walls each being at least 18 feet in length or a curved portion of such exterior wall which shall have a central angle of 30 degrees or more.

Building face, Front means the elevation of a principal building that is oriented toward the front lot line. On a corner lot, the front face may be oriented toward the front lot line or a side lot line adjacent to a street. Typically, the front face of the principal building contains an entry to the building and that entrance is more architecturally prominent when viewed from public streets. Said entrance does not include an overhead garage door. When it is ambiguous, the zoning administrator determines which is the front face of the building.

Building face, Rear means the elevation of a principal building that is opposite the front face of the same principal building.

Caliper inch means a unit of measurement describing the diameter of a tree measured one foot above the finished grade level.

Canopy tree means a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Carport means a space for the housing or storage of motor vehicles and enclosed on not more than two sides.

Channel means the natural or artificial depression of perceptible extent along Minnehaha Creek with a definite bed and bank to confine and conduct flowing water, either continuously or periodically.

City means the City of St. Louis Park, a municipal corporation, along with its duly authorized boards, commissions and representatives.

Commercial vehicle. A motor vehicle is a commercial vehicle if:

- (1) The vehicle is a dumptruck, a step van, a tow truck, a semitractor or trailer, a tank truck, a tractor, a bus, a cargo truck, a construction vehicle or equipment, an earth-moving vehicle or equipment, a van or pickup with a manufacturer's nominal rated carrying capacity of more than one ton, or any other vehicle which is used in connection with commercial activities;
- (2) Commercial equipment has been added to the vehicle such as winches or snow plows;
- (3) Commercial racks have been added to the vehicle for the purpose of holding equipment or materials;
- (4) The vehicle is a pickup with a nonstandard pickup box; or
- (5) The vehicle is a trailer loaded with another commercial vehicle or commercial equipment.

Conditional use means a specific type of structure or land use which is permitted by this chapter only after an in-depth review procedure set forth in [section 36-33](#) and with appropriate conditions or restrictions as provided in this chapter and upon finding that:

- (1) Certain conditions as detailed in this chapter exist; and
- (2) The structure and land use conform to the comprehensive plan and are compatible with the existing neighborhood.

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

Curb level means the grade elevation, as established by the city, at the curb in front of the center of the building. Where no curb level has been established, the director of public works shall determine a curb level or its equivalent for the purpose of this chapter.

Customer floor area means that part of the gross floor area of a commercial establishment used by and accessible to the public, except public restrooms.

Deciduous means a plant with foliage that is shed annually.

Density means the number of dwelling units permitted per net acre of land.

Designed Outdoor Recreational Area means designed outdoor space intended for passive or active recreation accessible and suited to the needs of residents and/or employees. The area shall be functional and aesthetic, designed with clear edges, relate to the principal building or buildings, include sidewalk connections, seating, landscaping, and other amenities. The area should be compatible with or enlarge upon existing pedestrian links and public parks or open space and may include swimming pools, tot lots, courtyards, plazas, picnic areas, and trails within natural areas. Outdoor recreational areas shall not include driveways, parking areas, steep slopes, or ponds designed solely for stormwater retention. (Ord. No. 2267-04, 4-12-04)

Development means all structures, land uses, and other modifications of the existing landscape above and below ground or water, on a single parcel, or on more than one parcel if covered by a single planned unit development or conditional use permit.

Diameter at breast height (DBH) means the diameter of a tree measured at a height of 4 1/2 feet from the ground level.

District. See the definition, "Use district."

Driveway means an improved access which connects an off-street parking space to the public right-of-way.

Dog kennel means any premises where four or more dogs, over four months of age, are owned, boarded, bred or offered for sale.

Drip line means a vertical line extending from the outermost branches of a tree to the ground.

- (f) Dwelling means a building, or one or more parts of a building occupied or intended to be occupied exclusively for residence purposes, but not including rooms in motels, hotels, nursing homes, boardinghouses, trailers, tents, cabins or trailer coaches.

Dwelling unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

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

Effective date of the ordinance from which this chapter is derived means **December 31, 1992, the effective date of Ordinance No. 92-1902.**

Enclosed pedestrian walkway means an enclosed link at or above grade between two buildings on the same or separate lots designed solely for the purpose of transporting pedestrians.

Equal degree of encroachment means a method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

Essential services include, but are not limited to, underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, fire alarm boxes, police call boxes, traffic signals, hydrants, or other equipment and accessories in conjunction therewith, bridges, roads, and railroads.

- (g) Evergreen means a plant with foliage that persists and remains green year-round.

Excavation means the removal of soil, rock, minerals, debris or organic substances other than vegetation from a parcel of land.

Expansion means an increase in the floor area or volume of an existing building.

Facade means the exterior wall of a building exposed to public view

Family means one of the following

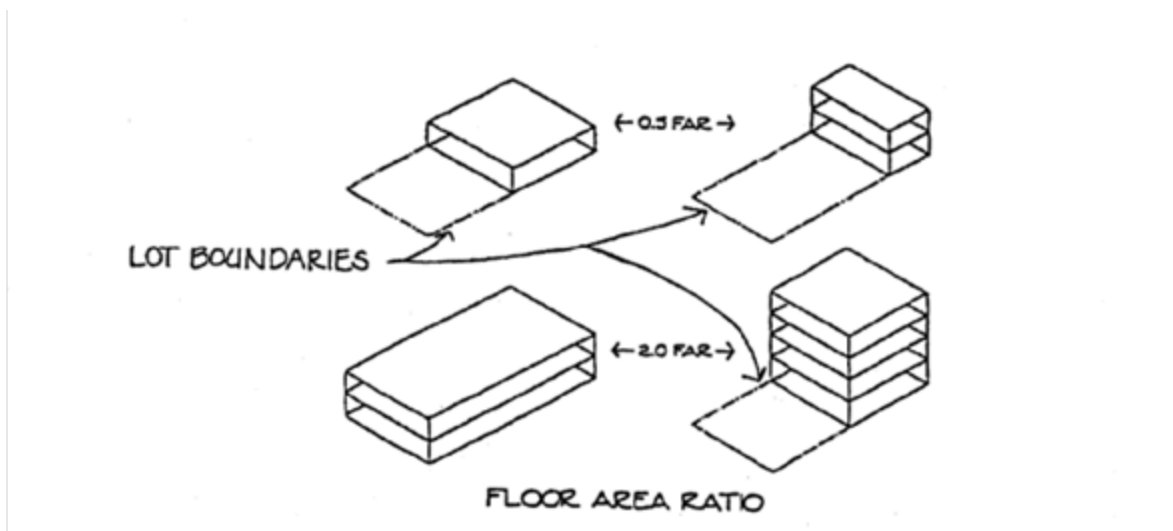
- (1) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care.
- (2) Up to four people not so related, living together as a single housekeeping unit.
- (3) Any group of people living together as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

Fence means any artificially constructed barrier of any material or combination of materials erected to enclose, divide or screen areas of land.

Filling means the placement of sand, gravel, earth or other materials of any composition on a parcel of land. Also see the definition, "Land reclamation."

Floor area means the sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements, attics, penthouses, and attached accessory buildings. Measurements shall be made from the inside of exterior walls and to the center of interior walls. For the purposes of determining off-street parking requirements, inside off-street parking or loading space is excluded from floor area.

- (h) Floor area ratio (FAR) means the numerical value obtained by dividing the total floor area of buildings excluding the basement by the lot area on which such buildings are located.



Food waste means all food, including meat, poultry, seafood, dairy, bread, fruits and vegetables, cheese, eggshells, rice, beans, pasta, coffee grounds and filters, tea bags, bones and other plate scrapings, and garden food waste (e.g. tomatoes, pumpkins). (Ord. No. 2452-14, 5-2-2014)

Foster family home means a family home where children out of their own homes are cared for 24 hours a day for a period of 30 days or more.

Garage, private, means a detached accessory building or portion of the principal building, including a carport, which is situated on the same lot as the principal building used primarily

for storing motor vehicles with no facilities for mechanical service or repair of a commercial nature.

Grade means the average elevation of the finished ground level at the midpoint of all walls of a building, or in the case of signs, the average elevation of the finished ground level at the base of a sign. This definition includes the terms finished grade and mean ground level.

Grading means excavating, filling or other changes in the earth's natural topography, including stockpiling of earth or land.

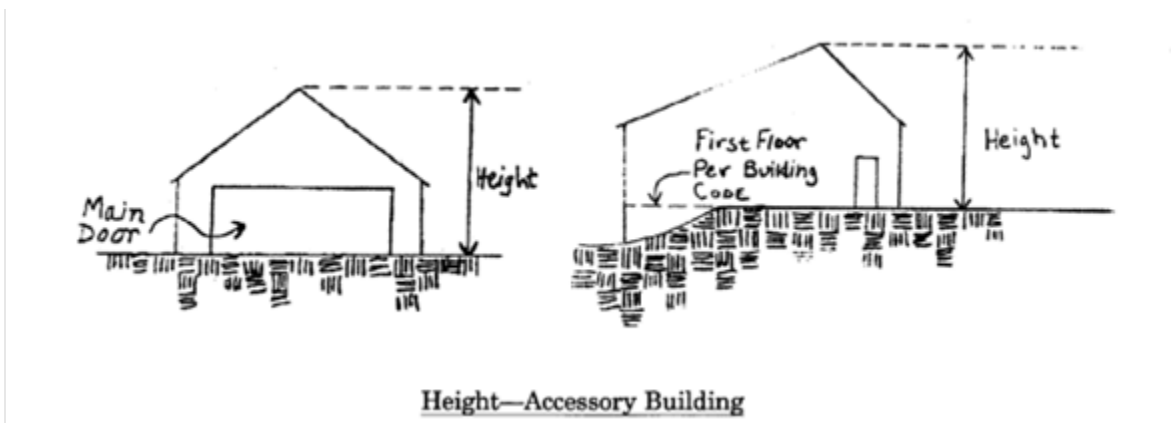
Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 18 inches at maturity.

Ground floor area means the lot area covered by a building measured from the exterior faces of exterior walls but excluding decks and terraces and detached garages which do not exceed 15 feet in height.

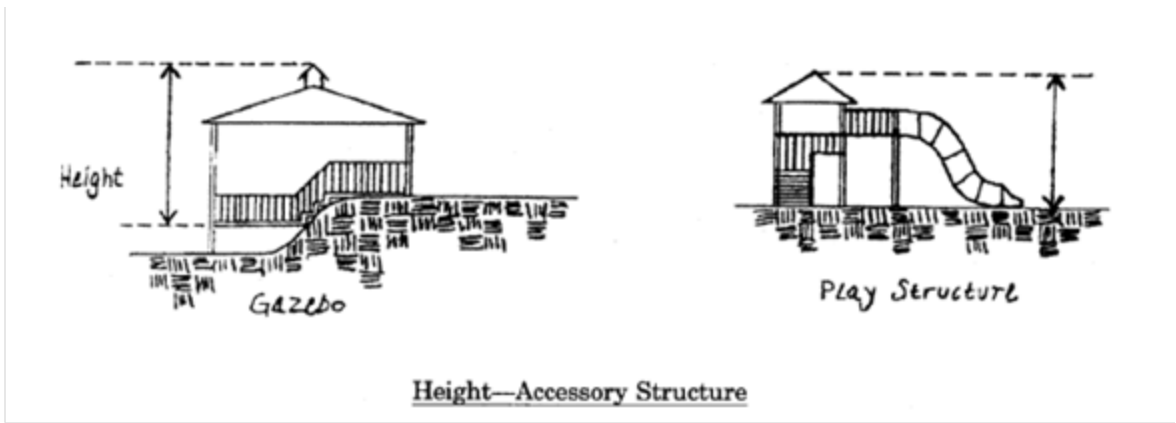
Ground Floor Transparency means the measurement of the percentage of a facade that has highly transparent, low reflectance windows at the pedestrian level, measured between 2' and 8' above grade. (Ord. No. 2575-19, 11-18-19)

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.

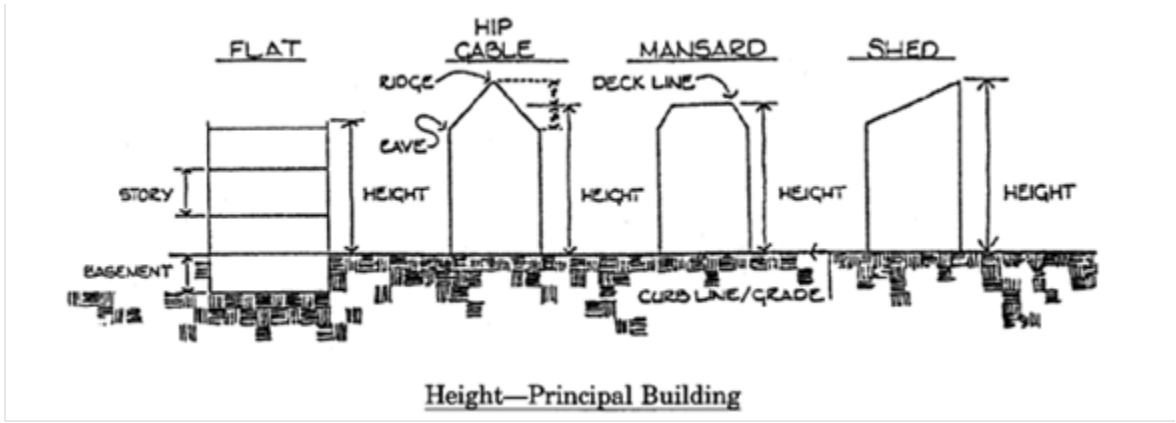
- (i) Height – Accessory building. A distance to be measured from the first story elevation, as defined by building code, to the highest point of the structure.



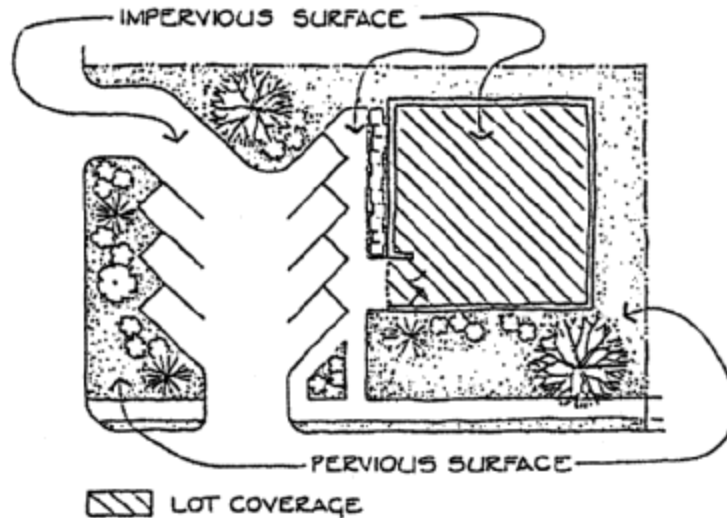
- (j) Height – Accessory structure. A distance to be measured from the lowest exterior grade at the base of the structure to the highest point of the structure.



- (k) Height-Communication Towers and Antennas. The height of a communication tower or antenna which is not attached to a building shall be determined by measuring the vertical distance from the point of contact with the ground of the communication tower or antenna to the highest point of the communication tower, or antenna, including, in the case of a communication tower, all antennas and other attachments.
- (l) Height – Principal building. A distance to be measured from the mean curb level along the front lot line or from the finished grade level for all that portion of the structure having frontage on a public right-of-way whichever is higher to the top of the parapet of a flat roof; to the deck line of a mansard roof; to a point on the roof directly above the highest wall of a shed roof; to the upper most point on a round or other arch type roof; or to the mean distance of the highest gable on a pitched or hip roof.



- (m) Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.



Impervious Surface

Intensity classification means a measure of the magnitude and impact of a land use on the environment and neighboring land uses. Variables include, but are not limited to, the levels of traffic that are generated, degree of lot coverage, building height, impervious surface, and density of development.

Intoxicating liquor license (on-sale) means an on-sale liquor license issued by the city council which permits the sale and consumption on the licensed premises of all types of legal liquor including spirits, wine, and malt liquor.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to plants.

Land reclamation means the reclaiming of land by depositing fill material to elevate the grade. See the definition, "Filling."

Level of service means the traffic capacity of an intersection or roadway based upon criteria established by the Institute of Traffic Engineers, as amended periodically.

Lot means a parcel of land created by an existing subdivision or described on a deed which has been recorded in the office of the register of deeds or registrar of titles of the county and which is occupied or used or intended for occupancy or use and has common ownership in its entirety.

Lot area means the area of a lot in a horizontal plane bounded by the lot lines.

- (n) Lot, buildable, means a lot which meets the minimum lot width and area requirements of the use district in which it is located, and which has frontage on a right-of-way for street or alley purposes. If the lot was subdivided as part of a cluster housing development, access to a public street may be by private street.

Lot area per family means the number of square feet of lot area required per dwelling unit.

Lot, corner, means a lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at a point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot depth means the mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot, interior, means a lot other than a corner lot.

Lot line means the property line bounding a lot except that where any portion of a lot extends into the public right-of-way, street easement, or a proposed public right-of-way, the line of such public right-of-way or street easement shall be the lot line for applying this chapter.

Lot line, front, means that boundary of a lot which abuts a street. In the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed in the office of the division of inspections. If a parcel has multiple sides on more than two street frontages, the front lot line shall be determined by the zoning administrator.

Lot line, rear, means a lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. For a lot bounded by only three lot lines, the rear lot line shall be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side, means a lot line which intersects with a front lot line.

Lot of record means any lot which is one parcel of a plat heretofore or hereafter duly approved and filed, or one unit of an auditor's subdivision or a registered land survey or a parcel of land not so platted, subdivided or registered, for which a deed, auditor's subdivision or registered land survey has been recorded in the office of the register of deeds or registrar of titles for the county prior to the effective date of the ordinance from which this chapter is derived.

Lot, substandard, means a lot or parcel of land that does not meet the definition of a buildable lot or does not meet the provisions of [section 36-71](#).

Lot, through, means a lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot.

Lot width means the horizontal distance between the side lot lines measured at the required front yard line.

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

Mining means the extraction and removal of sand, gravel, or other earthen material from a parcel of land.

Mobile Food Vehicle means a vehicle or cart used to prepare and serve food and/or beverages.

Motor vehicle means every vehicle which is self-propelled. This does not include lawn mowers or snow blowers.

Mulch means nonliving organic, synthetic, and rock materials customarily used in landscape design to retard erosion and retain moisture.

- (o) Nonconforming means a situation where any development, structure, sign, site lighting, off-street parking lot, landscaping, land use or parcel was legally constructed or established prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendment to it, which is not in full compliance with the regulations of this chapter.
- (p) Nonconforming parking means parking which legally existed upon the effective date of the ordinance from which this chapter is derived and which did not comply with the numerical requirements of [section 36-361](#) or with the design requirements found in the [landscaping section of this chapter](#).

Nonpassenger vehicle means a commercial or recreational vehicle or trailer.

- (q) Open Lot Area means an area of a lot, not located within a front yard or side yard abutting a street that has a minimum dimension of 20 feet in all directions and does not include a building, driveway, outdoor storage, or parking space. Open covered porches, gazebos, decks, and patios are permitted encroachments into the open lot area. Swimming pools are permitted encroachments provided they do not occupy more than 50% of the open lot area.

Ordinance from which this chapter is derived means Ordinance No. 92-1902 adopted December 7, 1992 and effective December 31, 1992.

- (r) Organic material means Food waste, Yard waste and items such as, but not limited to: non-recyclable paper products, and other compostable items such as full vacuum cleaner bags, dryer lint, tissues and cotton balls, floral trimmings and house plants, and compostable plastics (certified compostable plastic utensils, cups and containers).

Ornamental structures are built or placed in the landscape for decorative or horticultural purposes and are accessory to and detached from the principal structure. They do not have solid walls or a solid roof. These include but are not limited to trellises, arbors, arches, pergolas, gateways, flagpoles, fountains, birdbaths, birdhouses, and yard sculptures. These do not include trees, shrubs or other vegetation. (Ord. No. 2255-03, 11-3-03)

Ornamental tree means any tree planted primarily for its ornamental value or for screening purposes and tends to be smaller at maturity than canopy trees.

Parcel. See the definition, "Lot."

Parking space means an improved paved or gravel area on a lot or area within a building intended for parking of a motor vehicle and which has a means of access to a public street. This term is used interchangeably with parking stall and parking facility.

Passenger vehicle means an automobile, station wagon, van, sports utility vehicle, minivan, pickup truck, or motorcycle designed and primarily intended for on-street operation. Passenger vehicles do not include commercial vehicles, recreational vehicles, racing cars or stock cars.

Performance standards means specified criteria and limitations which are placed on development which are intended to protect the public health, safety, or welfare.

Person means an individual, firm, partnership, corporation, company, association, society, joint stock association, or political subdivision of the state including any trustee, receiver, assignee or other representative thereof.

Pickup truck means any truck with a manufacturer's nominal rated carrying capacity of one ton or less and commonly known as a pickup or pickup truck and which has a standard manufactured pickup box. A pickup whose standard box is covered with a topper if the topper does not exceed 1 1/2 times the wall height of the standard box is a pickup truck.

Playfield means an outdoor facility developed as a baseball diamond, softball diamond, soccer field, football field, or other surface for conducting outdoor recreational activities.

Previous zoning ordinance means Ordinance No. 730 adopted December 28, 1959 and all subsequent amendments thereto which were in effect on December 30, 1992.

Principal building means a building or group of buildings in which the primary use of a lot is located.

Principal use means the main use and chief purpose of land or structures, as distinguished from a secondary or accessory use.

- (s) Proof of parking means a method by which an area of a lot other than that area required for yards, landscaping, or any other area required for other purposes by this chapter which is allocated for parking but is not paved or striped.

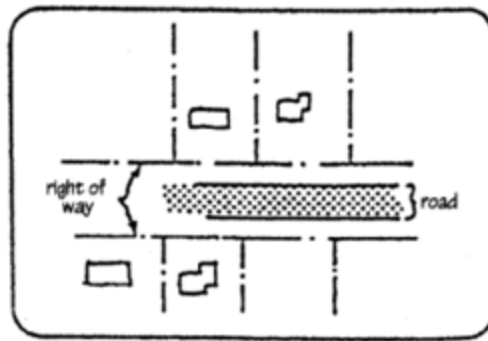
Racing car means a motor vehicle designed or intended for operation on a speedway, racetrack, or other facility used or designed for high-speed contests between two or more vehicles or for timing of speed.

Recreational vehicle.

- (1) Travel trailers include those that telescope or fold down, chassis-mounted campers, house cars, motor homes, tent trailers, slip in campers and converted vans that are motor homes as defined in this definition.
- (2) Motor home is a vehicle that provides temporary living quarters. A vehicle provides temporary living quarters if it is:
 - a. Not used as the residence of the owner or occupant;
 - b. Used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities; and
 - c. Self-propelled or capable of being towed on public roads.
- (3) A nonmotorized trailer intended and generally used for transporting boats.

Snowmobiles, all-terrain vehicles, boats and any type of watercraft. Such vehicles which are placed on a utility trailer shall, together with the trailer, be considered a single recreational vehicle.

- (t) Right-of-way means an area or strip of land, either public or private, on which a right-of-passage has been recorded for the use of vehicles, including trains, or pedestrians or both.



Root zone means the part of the soil that is invaded by a plant's roots.

Screen means a method of reducing the impact of noise and unsightly visual intrusions by placing vertical elements, such as plants, berms, fences, walls, or any appropriate combination thereof between the incompatible land uses. (Ord. No. 2325-07, 05-07-07)

Self-Storage Facility means any real property designed and used for the purpose of renting or leasing individual storage space to individuals, organizations, or businesses who are to have access to such facility for the purpose of storing and removing personal property; a self-storage facility is not a warehouse/storage facility. (Ord. No. 2570-19, 9-16-19)

Service stall means the area within a motor fuel station or auto repair facility of adequate size to service one motor vehicle. A service stall shall have a maximum floor area of 400 square feet. This term is synonymous with service bay.

Shopping Center means a group of commercial uses planned, owned, and managed as a unit that has common parking facilities. Shopping centers may include more than one building and more than one contiguous property and owner if approved under a single conditional use permit or planned unit development. This use includes vendor markets. (Ord. No. 2598-20, 11-16-20)

Short-term rental means leasing a residential dwelling unit or accessory dwelling unit for a term of less than one month. (Ord. 2596-20, 10-19-20)

Shrub means a self-supporting woody perennial plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen, and usually not more than ten feet in height at its maturity.

Significant tree means any tree, with the exception of Salix (Willow), Boxelder, Siberian Elm and Black Locust, is considered to be significant under the [landscaping section of the zoning ordinance](#) if it is at least five caliper inches for deciduous trees and six caliper inches for conifers. Aspen, Cottonwood or Silver Maple are considered significant if they are at least 12 inches in diameter at 4.5 feet from the ground. (Ord. No. 2325-07, 5-7-07; Ord. No. 2449-13, 11-15-2013)

Site plan means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

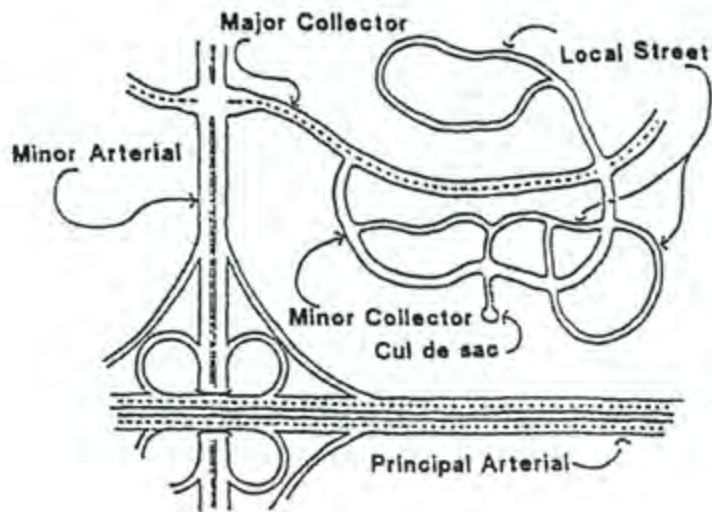
Stand and standing mean any halting, even momentarily, of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers or property.

Stock car means a motor vehicle of standard design and construction which is modified, adapted or altered in any manner to increase its speed or safety, and designed or intended for operation on a speedway, racetrack, or other facility used or designed for high-speed contests between two or more vehicles or for timing of speed.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above; or if there is not a floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

Street means a public or private thoroughfare with a minimum right-of-way width of 24 feet which is used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified in the comprehensive plan by the functions they perform. See illustration following this definition.

- (1) Local street. Roadways typically having lowest traffic volumes, containing one lane of traffic in each direction whose primary function is to provide access to and from property.
- (2) Minor collector. Roadways containing one lane of traffic in each direction whose primary function is to provide access to and from neighborhoods and the local street system.
- (3) Major collector. Roadways containing one or two lanes of traffic in each direction with controlled intersections whose function is to serve long trips within the city and access to and from minor and principal arterials.
- (4) Minor arterials. Interregional roads containing two lanes in each direction with limited access and controlled intersections at other arterials and collector streets. Minor arterials convey traffic between towns, boroughs, or other urban centers and are used to reduce the number of trips on the regional system. Efficient movement is the primary function of a minor arterial road.
- (5) Principal arterials. Limited access interregional arterial routes containing two or more lanes in each direction. They are designed exclusively for unrestricted movement, have no private access, and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.



(u) Structure means anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards and fences.

Trailer means any vehicle designed for carrying property on its own structure and for being drawn by a motor vehicle.

Trailer bed means that portion of a trailer that is designed to make contact with and bear the weight of the load to be carried.

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

Truck means every motor vehicle designed, used or maintained primarily for the transportation of property. This definition does not include a pickup truck as defined in this section or a van with a manufacturer's nominal rated carrying capacity of one ton or less.

Understory trees means a self-supporting woody plant or species normally growing to a mature height of between 15 and 30 feet and a mature spread of at least 15 feet. Many understory trees are considered to be ornamental trees.

Undue hardship means a condition resulting when reasonable use cannot be made of a property if used under conditions allowed by the official control, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this chapter.

Use means the purpose or activity for which a premises is designed, arranged or intended for which it is or may be occupied or maintained.

Use district means a mapped area within the city to which a uniform set of regulations applies for the purpose of regulating development.

Uses, nonconforming, means any building or land lawfully occupied by a use at the time of the passage of the ordinance from which this chapter is derived or of amendments thereof which does not conform after the passage of the ordinance from which this chapter is derived or an amendment thereto with the use regulations of the district in which it is located. See the definition, "Nonconforming."

Variance means a modification or variation of the provisions of this zoning code as applied to a specific piece of property. (Ord. No. 2409-12, 1-27-12)

Vegetation, native, means any plant species with a geographic distribution indigenous to all or part of the state. Plant species which have been introduced by man are not native vegetation.

Vehicle means a device for carrying or conveying persons or property which may be self-propelled or may be propelled, drawn, or towed by a self-propelled vehicle.

Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

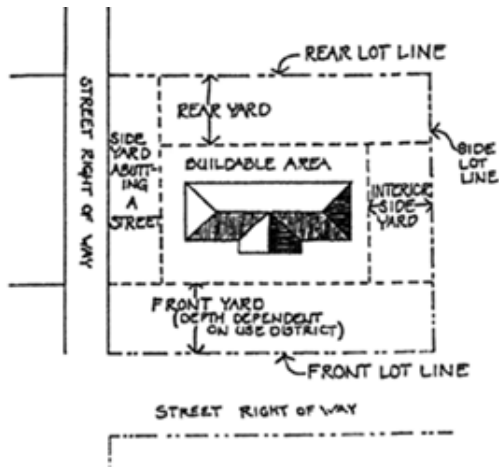
Wind energy conversion system (WECS) means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, tower, electrical components, foundation, transformer, and electrical cabling from the tower to building or substation(s) and their support facilities.

Wind energy conversion system, building mounted means a wind energy conversion system that is attached to a building for structural support.

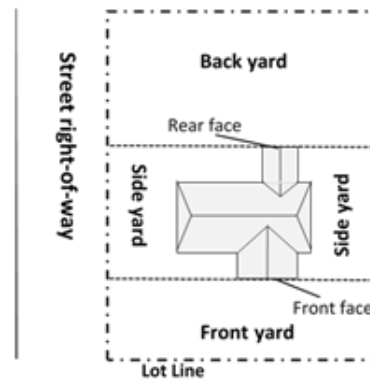
Wind energy conversion system tower means a support structure to which the nacelle and rotor are attached.

Wind energy conversion system height means the distance measured from the lowest exterior grade at the base of the WECS to the highest point of any component of a WECS.

- (v) Yard means a required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this chapter. For principal buildings, structures, and uses, the yard shall extend along a lot line and at right angles to the lot line to a depth or width specified in the yard regulations for the district in which the lot is located. For accessory buildings, structures, and uses, the yard shall extend from the property line to the principal building, structure, or use.



Yard – Principal building/structures/uses



Yard – Accessory building/structures/uses

(w)

Yard, front, means:

- a. For principal buildings, structures, and/or uses is an area which extends along the full width of the front lot line between side lot lines and toward the rear lot line a depth as specified in the required yard regulations for the district in which such lot is located.
- b. For accessory building, structures, and/or uses is the area of a lot which extends the full width of the lot between the front face of the principal building and the lot line adjacent to the street right-of-way in front of the principal building.

Yard, rear, means:

- a. For principal buildings, structures, and/or uses is an area which extends along the full width of the rear lot line between the side lot lines and toward the front lot line a depth as specified in the required yard regulations for the district in which the lot is located. Where the lot is a corner lot, the rear yard shall be the area between the interior side lot line and the side yard abutting a street extending toward the front yard a depth as specified in the required yard regulations for the district in which the lot is located.
- b. For accessory buildings, structures, and/or uses is the area of a lot extending the full width of the lot behind a line created by extending the rear face of the principal building to the property lines located to the sides of the principal building.

Yard, side, means:

- a. For principal buildings, structures, and/or uses is an area extending along a side lot line between the front yard and rear yard, having a width as specified in the required yard regulations for the district in which the lot is located.
- b. For accessory buildings, structures, and/or uses is the area of a lot between the front and back yards as required for accessory buildings, structures, and uses.

Yard, side, abutting a street, means:

- a. For principal building, structures, and/or uses is a yard adjacent to a street which extends along a side lot line between the front yard and rear property line. The required width of the side yard abutting a street is specified in the dimensional standards of the district in which the yard is located.

b. For accessory buildings, structures, and/or uses is a side yard as required for accessory buildings, structures, and uses which is adjacent to a street.

Yard waste means all garden wastes, grass clippings, leaves, weeds, holiday trees, shrub and tree waste and prunings, seasonal greenery, and woodchips that are normally generated from residential properties.

Zoning ordinance means Ordinance No. 92-1902 and all amendments adopted subsequent to that date and compiled as Chapter 36 of this Code.

Sec. 36-5. Abbreviations.

(a) Purpose. The purpose of this section is to identify the abbreviations which are used in this chapter in order to clarify meaning.

(b) Abbreviations.

(1)	BOZA	Board of zoning appeals
(2)	DBH	Diameter at breast height
(3)	DU	Dwelling unit
(4)	FAR	Floor area ratio
(5)	PUD	Planned unit development
(6)	FW	Floodway district
(7)	FF	Flood fringe district
(8)	FP	General floodplain district

(Code 1976, § 14:3-2)

Sec. 36-6. – 36-29. Reserved.

ARTICLE IV. ZONING DISTRICTS

Division 1. Generally

Sec. 36-111. Use Districts Established

All land in the city shall be assigned to one of the following zoning districts:

- (1) Parks and Open Space District. POS park and open space district, see section 36-151.
- (2) Residential districts.
 - a. N-1 Neighborhood District, see Article IV, Division 4.
 - b. N-2 Neighborhood District see Article IV, Division 4.
 - c. N-3 Neighborhood District, see Article IV Division 4.
 - d. N-4 Neighborhood District, see Article IV, Division 4.
- (3) Commercial districts.
 - a. C-1 neighborhood business district, see section 36-193.
 - b. C-2 general commercial district, see section 36-194.
- (4) Office district. O office district, see section 36-223.
- (5) Business Park district. BP Business park district, see section 36-231.
- (6) Industrial districts.
 - a. I-P industrial park district, see section 36-243.
 - b. I-G general industrial district, see section 36-244.
- (7) Mixed use districts.
 - a. MX-1 vertical mixed use district, see section 36-264.
 - b. MX-2 neighborhood mixed use district, see section 36-265.
- (8) Planned Unit Development (PUD) District, See Section 36-32.

(Code 1976, § 14:5-1.1; Ord. No. 2462-15, 2-2-15; Ord. No. 2598-20, 11-16-20)

Sec. 36-112. Overlay districts established.

Overlay districts are as follows:

- (1) FW floodway district, see section 36-294.
- (2) FF flood fringe district, see section 36-294.
- (3) FP general floodplain district, see section 36-294.
- (4) TDM travel demand management district, see sections 36-321 through 36-330.
- (5) (Code 1976, § 14:5-1.2)

Sec. 36-113. Map.

The boundaries of the use districts listed in section 36-111 are shown on the zoning map, as amended. The map is certified by the city clerk and is stored in the office of community development and is referred to as the "zoning map" or "map," in this chapter. The map and all of the notations, references and other information shown on it shall have the same force and effect as if fully set forth in this chapter and are hereby made a part of this chapter by reference.

(Code 1976, § 14:5-1.3)

Sec. 36-114. Boundaries

District boundary lines indicated on the zoning map follow lot lines, the center lines of streets or alleys projected, railroad right-of-way lines, the center of watercourses, or the corporate limit lines as they exist upon the effective date of the ordinance from which this chapter is derived. If use district boundary lines do not follow any of the above-described lines, the use district boundary lines are established as drawn on the zoning map. Where a district boundary line divides a lot of record which was in single ownership at the time of enactment of the ordinance from which this chapter is derived and places portions of such lot of record in two or more use districts, any portion of such lot within 50 feet on either side of dividing district boundary line may be used for any use permitted in either use district. If the lot shall be wider than the 50-foot limitation, the use district line as shown shall prevail.

- (1) Appeals from the zoning administrator's determination and questions of doubt concerning the exact location of district boundary lines shall be heard by the board of zoning appeals.
- (2) Whenever any street, alley or other public way is vacated by official action of the city, the location of the zoning district line shall not be affected by such proceeding.
- (3) A determination of whether a property is within the boundaries of the FW, FF or FP district shall be made by the zoning administrator. Any person objecting to that determination may appeal to the zoning administrator by submitting a topographic survey which includes the contour of the flood protection elevation and the location and elevation of all proposed structures. The zoning administrator may change the determination based on the topographic survey, but the zoning administrator shall notify the commissioner of the state department of natural resources at least ten days before granting the permit. Provisions for the modification of floodplain district boundaries are contained in division 8 of article IV of this chapter.

(Code 1976, § 14:5-1.4)

Sec. 36-115. Land use by zoning district.

- a. Designation and reference. The land uses listed in this section are specifically designated and refer to the detailed listing of land uses contained in section 36-142 et seq.
- b. Land uses permitted. Land uses listed as "permitted" are permitted by the general land use requirements of this chapter; subject to the general requirements of the specific zoning district in which they are located, any additional requirements imposed by applicable overlay zoning districts as designated on the official zoning

map, the general requirements of this chapter, and any and all other applicable city, county, state and federal regulations as may be amended from time to time.

- c. Land uses permitted with conditions. Land uses listed as "permitted with conditions" are subject to all the requirements of land uses permitted by right plus those additional controls which are listed following the specific land use. Land uses permitted with conditions do not require a public hearing process.
- d. Land uses permitted as a conditional use. Land uses listed as "permitted as a conditional use" are permitted subject to all the requirements applicable to uses permitted by right plus all general conditional use and any additional requirements applicable to that particular land use contained in divisions 3 through 6 of this article and those general conditions contained under section 36-33. Each conditional use application shall be considered a unique situation and shall not be construed as precedents for similar requests. Further conditions may be imposed on any conditional use by the planning commission or city council in response to special conditions of the use or site. (Ord. No. 2419-12, 9-14-2012)
- e. Land uses permitted as accessory uses. Land uses listed as "permitted as an accessory use" are permitted subject to all of the requirements applicable to uses permitted by right, plus any additional requirements applicable to that particular land use contained in divisions 3 through 6 of this article. Accessory uses other than required off-street parking may not occupy more than 25 percent of the total floor area of any development unless further restricted in the district regulations. (Ord. No. 2462-15, 2-2-2015)
- f. Land uses permitted as temporary uses. Temporary land uses are permitted subject to all the requirements applicable to uses permitted by right as listed in subsection (b) of this section, plus any additional requirements applicable to that particular land use as contained in section 36-82. (Ord. No. 2462-15, 2-2-2015)
- g. Land uses permitted in limited stories. Land uses listed as "permitted in limited stories" are permitted subject to all the requirements of land uses permitted by right plus those additional controls which specify the story of a building the use can occur. Land uses permitted in limited stories do not require a public hearing process. (Ord. 2560-19, 6-17-19)
- h. Full compliance necessary. Although a land use may be indicated as permitted by right, permitted with conditions, or permitted as a conditional use in a particular use district, it does not follow that such a land use is permitted or permissible on every parcel in such use district. No land use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the standards and regulations of this chapter which are applicable to the specific land use and parcel in question, or unless an appropriate variance has been granted under section 36-34.

(Ord. No. 2462-15, 2-2-2015)

TABLE 36-115A – (Repealed, Ord. No. 2312-06, 4-14-2006)

TABLE 36-115C Intensity Class Measures

	<i>Maximum Density Factor (DU/Acre)</i>	<i>Maximum Impervious Surface Ratio</i>	<i>Maximum Floor Area Ratio</i>	<i>Maximum Height (in feet)</i>	<i>Maximum Trips/ AC./Day</i>	<i>Gross Building Area</i>	<i>Hours of Operation</i>	<i>Resultant Land Use Intensity Class</i>
Residential uses	9	--	--	30	100	2,000		Class 1
All other uses	--	0.30	0.15	30	100	2,000	6:00 a.m./ 6:00 p.m.	
Residential uses	15	--	--	35	300	5,000	--	Class 2
All uses	--	0.40	0.25	35	300	5,000	6:00 a.m./ 10:00 p.m.	
All uses	20	0.60	0.50	40	650	10,000	6:00 a.m./ 12:00 p.m.	Class 3
All uses	30	0.70	0.80	50	1,000	20,000	6:00 a.m./ 12:00 p.m.	Class 4
All uses	40	0.80	1.00	75	1,500	50,000	24 hours	Class 5
All uses	50	0.90	1.40	150	2,500	100,000	24 hours	Class 6
All uses	50+	0.90+	1.40+	150+	2,500+	100,000+		Class 7

*Based on Institution of Transportation Engineers' Trip Generation manual.
 Note: The column showing the highest land use intensity class will determine the land use intensity for the land use.

TABLE 36-115D Open Space Requirements

C1-Neighborhood Commercial	NA	NA	12% DORA	12% DORA	NA	NA
C2-General Commercial	NA	NA	12% DORA	12% DORA	NA	NA
O-Office	NA	NA	12% DORA	12% DORA	NA	NA
MX-1 Vertical Mixed Use	NA	NA	12% DORA	12% DORA	12% DORA	12% DORA
Reductions may be allowed via the PUD process, if the development meets certain criteria.						
OLA = Open Lot Area DORA = Designed Outdoor Recreation Area						

(Code 1976, § 14:5-2.1; Ord. No. 2192-01, 3-5-2001; Ord. No. 2220-02, § 2, 3-18-2002; Ord. No. 2226-02, § 2, 6-3-2002; Ord. No. 2228-02, § 2, 7-15-2002; Ord. No. 2234-02, § 2, 12-2-2002; Ord. No. 2239-03, 4-7-2003; Ord. No. 2267-04, 4-12-2004; Ord. No. 2312-06, 4-14-06; Ord. No. 2419-12, 9-14-2012; Ord. No. 2560-19, 6-17-19; Ord. No. 2598-20, 11-16-20)

Secs. 36-116 – 36-140. Reserved.

ARTICLE IV. ZONING DISTRICTS

Division 2. Land Use Descriptions and Characteristics

Sec. 36-141. Purpose of division.

- (a) The land use categories permitted by **this chapter** are described by **this section**. Section **36-3(b)(2)** empowers the zoning administrator to make interpretations identifying which land use category a proposed land use fits within.

(Code 1976, § 14:5-3.1)

Sec. 36-142. Descriptions.

- (a) Residential uses. The following are typical of the residential uses referred to in **this chapter**.
- (1) Dwelling, single-unit detached means a fully detached unit located on an individual lot and intended for occupancy by a single-household. This includes a manufactured home.
 - (2) Dwelling, two-unit (duplex) means a residence designed for or occupied by two (2) households living independently of one another, with both units on one (1) parcel.
 - (3) Dwelling, attached two-unit (twinhome) means a dwelling unit designed for or occupied by two (2) households, where the units share at least one (1) common wall and each unit is on its own individual parcel.
 - (4) Dwelling, detached courtyard cottage/bungalow means a cluster of multiple, individual detached dwelling units arranged around a shared courtyard or open space that is typically perpendicular to the street and where the shared courtyard takes the place of individual rear yards.
 - (5) Dwelling, three units means a single residential structure on a single lot which is designed for the occupancy of three (3) households living independently of one another; the units may share a common entrance or have individual entrances.
 - (6) Dwelling, four units means a single residential structure on a single lot which is designed for the occupancy of four (4) households living independently of one another; the units may share a common entrance or have individual entrances.
 - (7) Dwelling, townhouse means a single residential unit which is located within a larger residential structure containing multiple units and which is separated from the adjoining dwelling unit(s) by at least one (1) common wall. Each dwelling unit may be located on its own individual lot or on a common lot containing all of the attached units. Each dwelling unit shall have separate and individual entrances. A small townhouse dwelling is in a structure with three (3) or four (4) units, while a large townhouse dwelling is in a building with between five (5) and eight (8) units.
 - (8) Dwelling, apartment means a multi-unit residential building that consists of side-by-side or stacked dwelling units on one (1) lot and typically with a shared common entrance. A low-rise apartment has no more than three (3) stories, a mid-rise

apartment has between four (4) and six (6) stories, and a high-rise apartment has seven (7) or more stories.

- (9) Dwelling, existing single-unit detached means a fully detached unit located on an individual lot and intended for occupancy by a single-household that was in existence prior to the XXXX. This includes a manufactured home.
 - (10) Manufactured home park means a parcel of land under single control or ownership which has been developed for the placement of manufactured homes for residential use.
 - (11) Roominghouse means a building where lodging is provided for between three and eight persons and is the primary residence of the owner. Lodging is available on an extended basis rather than daily or weekly. No provision for cooking is provided in any of the rooms occupied by lodgers.
 - (12) Live-work unit means a dwelling unit that includes space for the gainful employment of a resident of the dwelling unit and up to two workers who may not be residents of the dwelling unit. The floor area devoted to the business use may not exceed the floor area devoted to the residential use within the unit. Any space that will be used by walk-in customers of the business must be accessible from an exterior entrance that is not used to access other residential units. With the exception of the exterior entrance, the business cannot substantially alter the exterior of the property or substantially affect the character of the neighborhood or the health, safety and welfare of the residents. The business space must be designed to permit conversion to residential space with minimum work and no structural changes. Uses which are not allowed include but are not limited to the following: uses classified as industrial; appliance, small engine and bicycle repair; motor vehicle sales; motor vehicle service and repair; pawnshops; animal handling; bars; food service; restaurants; private entertainment; and sexually-oriented businesses.
 - (13) Garage sale means the temporary sale of home-crafted items and used household goods by the owner, resident and/or neighbors of a property. Garage sales include estate, rummage, basement, yard, porch or similar sales conducted at a residentially zoned and/or used property.
 - (14) Accessory dwelling unit means a dwelling unit complying with the Minnesota State Building Code; which is located within a principal single-family residential dwelling or in an accessory structure to a single-family residential dwelling. The types of accessory dwelling unit include the following:
 - a. An attached accessory dwelling unit is located within a principal residential dwelling.
 - b. A detached accessory dwelling unit is located as a freestanding building on the same lot as the principal residential dwelling.
- (b) Human care uses. The following are typical of the human care uses referred to in this chapter.
- (1) Adult day care means a nonresidential facility that provides care to functionally impaired adults on a regular basis for periods of less than 24 hours in a structure which is not the residence of the person being served or the facility operator. Some

characteristics of this use are similar to family day care and nursing homes. This use is appropriate in commercial areas provided there is accessibility to outdoor areas for sitting and exercise. Persons being served are most like nursing home residents.

- (2) Family day care means a facility that provides care, protection and supervision of children in a private residence for periods of less than 24 hours for a fee. The size of the outdoor play area, the maximum number of children who may be served, and the number and qualifications of required outside teachers or helpers are set forth in state law which may be amended from time to time. This use may be licensed by other agencies. It generates about four vehicle trip ends per child per day.
- (3) Group day care/nursery school means a nonresidential facility where childcare, protection and supervision services are provided for a fee on a regular basis for periods of less than 24 hours. This use requires a large, sensitively located outdoor play area and it generates about four vehicle trips per child per day.
- (4) State-licensed residential facility means a state-licensed and state-mandated residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time. The use includes outpatient group counseling, some supervision and treatment programs. The maximum number of clients served is specified by state law which may be amended from time to time. Persons served may include the mentally retarded and severely physically handicapped.
- (5) Group home means occupancy of a residential structure by persons in need of specialized treatment or protection and resident staff who usually live together as a housekeeping unit for a limited period of time. This use may include outpatient group counseling, some supervision, forced detention, treatment for mental illness and drug addiction, protective shelter, half-way house, and release programs. The facility may be licensed by the state but is not mandated.
- (6) Hospital means a facility which provides health services primarily for human inpatient medical or surgical care, including related facilities, such as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Characteristics include large institutionally designed buildings, large volumes of traffic, large parking lots or ramps, 24-hour activity, service vehicles, large quantities of waste, and emergency vehicles.
- (7) Medical/dental office means a facility which provides direct delivery of health-related examination and services or treatment to customers on an appointment or walk-in basis; and includes counseling, consultation, chiropractic and podiatry. The use may include a supporting retail component for medicine, health-related food, or other product.
- (8) Nursing home means a licensed health care facility providing lodging and 24-hour care for medically or physically impaired persons usually on a long-term basis. Residents of the facility do not have private apartments or kitchens. This use includes a food service and may include supporting medical and retail services for the residents. A quiet area is preferred. (Ord. No. 2267-04, 4-12-04)
- (9) Funeral home means a facility where funeral services are held and where embalming and other processes occur in preparation of the dead for burial. It may include the

storage of caskets, funeral urns and other related funeral supplies, and it usually provides vehicles to transport the dead to the place of burial. This use does not include a crematorium. Characteristics include intermittent periods of high traffic generation.

(c) (c) Institutional uses. The following are typical of the institutional uses referred to in **this chapter**.

(1) Antenna means any free-standing structure or device attached to a building, pole, tower, utility structure, or similar structure used for the purpose of collecting or transmitting electromagnetic waves through the air, including but not limited to small wireless facilities, wireless facilities, wireless telecommunication facilities, directional antennas, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennas, such as whip antennas, except for Building-Mounted antennas for private use on the premises where it is located, such as amateur radio antennas, and antennas receiving television or radio signals.

(Ord. No. 2367-09, 1-23-09; Ord. No. 2555-19, 3-18-19)

(2) Communication tower means a free-standing structure the primary purpose of which is to support one or more antennae and includes accessory uses directly related to the tower, such as utility buildings. Communication tower includes wireless support structure.

(Ord. No. 2367-09, 1-23-09; Ord. No. 2555-19, 3-18-19)

(3) Community centers means a place, structure, area or other facility which is open to the public and designed to accommodate and serve significant segments of the community and which is used for educational, religious, fraternal, social and recreational programs. This use may include accessory food service and accessory retail shops.

(4) Education/academic.

a. Public means neighborhood or district based education services normally provided to children through young adult age. The use may include evening or off-hour service to adults in the community. This use generally includes an accessory food service and some retail facilities to serve students and facility.

b. Private means community or regional based education services normally provided to persons through young adult age. The facilities are similar to public education facilities.

(5) Library means a facility where collections of books and other materials are housed in a building which is open to the public during regularly scheduled hours which may include days and evenings. Books and other materials may be available for loan. Characteristics may include high parking demand and high traffic generation.

(6) Museums/art galleries means a facility which houses collections of artifacts, paintings or sculpture in a building which is open to the public during regularly scheduled hours which may include weekend days and evenings.

(7) Parks/open space means passive recreation including hiking trails, natural areas, wild life areas, arboretums, open grass areas and tot lot.

- (8) Parks/recreation means areas for active outdoor recreation activities such as baseball diamonds, tennis courts, basketball courts, playfields, playgrounds, outdoor swimming pools, fitness courses and driving ranges.
- (9) Police/fire stations means facilities designed to serve the public health and safety. They may include an office component, the storage of fire trucks, police cars and equipment, and the boarding of personnel within an enclosed building. Characteristics may include sporadic periods of loud noise, sirens, and activity.
- (10) Public service structure means facilities which include water towers, utility and public service related distribution facilities, and wastewater and storm drainage structures, but exclude utility substations. These facilities are normally serviced by small trucks several times per day and by larger vehicles or equipment on a periodic basis. Associated buildings typically have large windowless walls and an institutional appearance.
- (11) Religious institution means a facility where people gather to relate or manifest faithful devotion to an acknowledged ultimate reality or deity. This use is characterized by meeting rooms, education and training about the religion, worship practice, indoor activities, intermittent parking needs, group singing or chanting, and music. The assembly typically meets on weekends or evenings. Accessory uses which may accompany the principal use include day care, park and ride, and dwelling units for clergy, employees, or persons similarly associated with the Religious Institution. (Ord. No. 2514-17, 3-20-17)
- (12) Utility substation means a structure of electrical components to transform high voltage electricity into lesser voltages to make it suitable for distribution to end users. The use consists of a large structure and numerous power lines which are difficult to screen and are classified as land use intensity 10. This use has minimal outdoor activity and traffic generation.
- (13) Golf course means a facility for playing golf outdoors which consists of golf holes, clubhouse facilities which may contain lockers, shower rooms and incidental sale of golf related items, and off-street parking facilities.
- (14) Country club means a golf course and associated clubhouse which may contain locker and shower rooms, dining and bar facilities, meeting rooms and other spaces for large social functions. Country clubs are typically open only to members and characteristics may include significant trip generation on evenings and weekends.
- (15) Mikvah pool means a ceremonial pool that is constructed to meet certain traditional requirements to serve primarily Jewish women. The use is characterized by very low traffic volumes primarily during evening hours.
- (16) Micro wireless facility. A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches. (Ord. No. 2555-19, 3-18-19)
- (17) Small wireless facility. (Ord. No. 2555-19, 3-18-19)
 - a. A wireless facility that meets both of the following qualifications:

b. Each antenna is located inside an enclosure of no more than six cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and

1. All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfers switches, cutoff switches, cable, conduit, vertical cable runs for connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

2. A micro wireless facility

(18) Wireless facility. Equipment at a fixed location that enables the provision of wireless services between user and equipment and a wireless service network, including: (1) equipment associated with wireless service; (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) a small wireless facility. Wireless facility does not include: (1) wireless support structures, (2) wireline backhaul facilities, or (3) coaxial or fiber-optic cables between utility poles or wireless support structures, or that are not otherwise immediately adjacent to or directly associated with a specific antenna. (Ord. No. 2555-19, 3-18-19)

(19) Wireless service. Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi whether at a fixed location or by means of a mobile device that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522 clause (6). (Ord. No. 2555-19, 3-18-19)

(20) Wireless support structure. A new or existing structure designed to support or capable of supporting small wireless facilities, as reasonably determined by the city. (Ord. No. 2555-19, 3-18-19)

(21) Wireless telecommunication facility. Equipment used to provide wireless telecommunication or data services, including all antennas, radios, support devices, equipment including ground equipment, associated cables, and attachments. (Ord. No. 2555-19, 3-18-19)

(Ord. No. 2555-19, 3-18-19)

(d) Commercial uses. The following are typical of the commercial uses referred to in [this chapter](#).

(1) Animal handling means the sale, boarding, treatment and care of privately-owned small animal pets which may include dogs, cats, other mammals, fish and reptiles but excludes large animals such as horses, farm animals or animals raised for slaughter. Characteristics may include special refuse, storage, noise, odor and other nuisance characteristics.

- (2) Animal handling, limited means any animal handling use such as veterinary clinics, pet stores, and pet grooming that do not include boarding, daycare, or outdoor off leash recreation space for animals. The use may require an animal to be kept overnight on-site for treatment but does not include boarding or animal daycares. (Ord. No. 2621-21, 7-6-2021)
- (3) Appliance, small engine, and bicycle repair means maintenance and repair of appliances, small engines, bicycles, and similar items. Characteristics include some outdoor activity and noise.
- (4) Automatic carwash means a facility designed to wash automobiles and light trucks with little or no human intervention. The facility utilizes automated equipment and wash cycles are relatively short. These facilities are typically accessory to other automotive related land uses and may sporadically cause congestion on its site.
- (5) Bank means a facility for the deposit, management, and lending of money, frequently with accessory drive-up facility. This use includes banks and savings and loans but not insurance companies and stock brokerage firms. Characteristics may include high peak hour traffic on certain days.
- (6) Bar means a facility where the primary use is the sale of alcoholic beverages for consumption on the premises. Minors are excluded from entry by law. Characteristics include late hours, high parking demand, noise, trash and litter and heavy off-peak traffic. Use is often found in conjunction with restaurants, hotels and night clubs.
- (7) Bed and breakfast establishment means a private, owner-occupied residence with guestrooms where temporary lodging facilities and some meals are provided to paying lodgers within single-family or two-family dwellings. The lodging is subordinate and incidental to the main residential use of the building. Indoor recreational facilities for the use of the residents and paying lodgers may be included.
- (8) Brewery means a facility that manufactures alcoholic and nonalcoholic malt liquor. This definition does not include breweries operated in conjunction with a restaurant as an accessory use. (Ord. No. 2449-13, 11-15-2013)
- (9) Business/trade school/college means a training establishment or institution serving adults and sometimes high school age persons which provides training and/or education toward a skill, license or degree. (Ord. No. 2358-08, 8-14-08)
- (10) Convention and exhibition center means a facility providing large and small meeting rooms for the assembly of persons and the display of products and information. It may include banquet kitchens and facilities. Characteristics include heavy parking and loading area requirements and large scale buildings.
- (11) Currency exchange means any business or person except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company that is engaged in the business of cashing checks, drafts, money orders, or traveler's checks for a fee. (Ord. No. 2349-08, 02-22-08)
- (12) Dry cleaning, laundering with route pickup and delivery, means a facility where clothing, diapers, or other fabrics are cleaned by dry cleaning or laundering processes. Materials to be cleaned may be brought to the site either by pickup and

delivery trucks operated as part of the business or by customers who drop off and pick up their own materials to be cleaned. The use may include the storage of delivery vehicles on the site.

- (13) Firearms sales means a retail use that includes the sale, lease, or purchase of firearms or ammunition. (Ord. No. 2449-13, 11-15-2013)
- (14) Food service means the on-site sale of food and beverages which are prepared and served in individual portions in a ready to consume state for consumption either on-site or off-site, including seating for not more than ten persons. Characteristics may include truck and vehicle traffic, cooking odors and refuse. The preferred location is on major thoroughfares with no access to local residential streets. This use is often found in conjunction with motor fuel stations and grocery stores.
- (15) Home occupation means an occupation, profession, or activity conducted in a dwelling unit, which is clearly an incidental and subordinate use to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood. (Ord. No. 2562-19, 6-17-19)
- (16) Hostel means a lodging facility operated under the auspices of a national or international hostel organization which has dormitory rooms available for rent by members. The facility has common cooking and eating facilities and may have common restroom facilities. The duration of stay is typically short and the facility has a resident manager.
- (17) Hotel/motel means facilities which provide overnight lodging in individual rooms or suites of rooms, each having a private bathroom, which are rented by day or week. These facilities may include in-room or in-suite kitchens and recreational facilities for use by lodgers. Restaurants, banquet rooms, arcades, fitness centers and other facilities available to non-lodgers are not considered accessory uses.
- (18) In-vehicle sales or service means sales or service to persons in vehicles. It may include drive-in, drive-up and drive-through facilities, but does not include motor fuel stations. Characteristics include high traffic volumes during the typical peak hour traffic period.
- (19) Liquor store means a facility principally for the retail sale of pre-packaged alcoholic beverages for off-premise consumption. (Ord. No. 2449-13, 11-15-2013)
- (20) Marijuana dispensary means a dispensary location where patients or consumers can access cannabis in a legal and safe manner. Users get assistance from experts (bud tenders) who find an optimal dosage and recommend the delivery method to achieve optimal results when using medical cannabis. (Ord. No. 2602-21, 1-4-21)
- (21) Medical and dental laboratories mean facilities in which individually produced and made to order medical and dental prosthetics are crafted for the specific needs of specific individuals. Characteristics may include hours of operation of 7:00 a.m. to 6:00 p.m.; daily deliveries to and from the facilities by car, van or light truck; minimal heavy truck traffic; no use of outside storage and occasional visitation of facilities by customers needing specialized attention as to the make-up and fit of their specific prosthesis.

- (22) Microdistillery means a distillery producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year. (Ord. 2492-16, 5-16-16)
- (23) Microdistillery cocktail room. The on-sale sale of distilled liquor produced by the distiller on the premises of or adjacent to a microdistillery location owned by a distiller. (Ord. 2492-16, 5-16-16)
- (24) Motor fuel station means a facility which supplies and dispenses at retail motor fuels, including electrical charging, directly into a motor vehicle; it also includes the sale of lubricants, batteries, tires and motor vehicle accessories. Motor fuels may be self-serve or dispensed by an attendant. Light maintenance activities to vehicles including engine tune-ups, lubrication, repairs, and carburetor cleaning may also be conducted. Motor fuel stations may also include facilities for the retail electric charging of vehicles. Characteristics include outdoor activity, high traffic generation and extended hours of operation. This use excludes heavy automobile repair including, but not limited to, engine overhauls, automobile painting, and bodywork. (Ord. No. 2551-19, 1-22-19)
- (24) Motor vehicle sales means display, sale, and rental of automobiles, trucks and recreational vehicles from an indoor showroom facility and may include an outdoor sales lot; motor vehicle service and repair and autobody/painting often occur in conjunction with this use. Characteristics may include outdoor activity, banners and lights for promotion and advertising, outdoor sound systems, truck deliveries, night and weekend operating hours, and test driving on nearby streets. (Ord. No. 2248-03, 8-18-03)
- (25) Motor vehicles service and repair means repair, lubrication, washing, detailing, equipment installation, engine overhauls, and other similar uses involving automobiles, trucks and recreational vehicles. Characteristics may include the storage of vehicles, truck traffic, night and weekend operating hours; motor fuel stations and autobody/painting are excluded.
- (26) Office means a facility in which the handling of information or the performing of administrative services is conducted. It includes services provided to persons both on-site and off-site on a walk in or appointment basis such as counseling or indirect or nonpersonal service such as real estate, travel agencies, financial agencies, insurance offices and professional offices. This description excludes hospitals or other medical facilities; except it may include up to a maximum of ten percent of the gross floor area in medical or dental offices. Characteristics include high peak period traffic generation and 8:00 a.m. to 5:00 p.m. hours of operation.
- (27) Outdoor sales means the display and sale or rental of merchandise or equipment outside of an enclosed building. It may include boat sales, canoe sales, nursery sales; but it excludes the sale of motor vehicles.
- (28) Pawnshop means a facility where money is loaned based on the value of goods deposited at the facility by the borrower of the money, which goods are held by the lender of the money occupying the facility as collateral for the loan. Items held by the lender which are not redeemed by a borrower may be put up for sale at the

- facility to the general public. The term pawnshop includes a facility where all or any part of the pawnshop activities are conducted. (Ord. No. 2349-08, 2-22-08)
- (29) Payday loan agency means any business that has as its primary activity the providing of short-term loans for the borrower's own personal, family, or household purpose which are usually for a period of forty-five (45) days or less. Payday loan agencies do not include banks. (Ord. No. 2349-08, 2-22-08)
- (30) Places of Assembly are facilities designed to accommodate larger groups of people having shared goals, desires or interests that are not customarily business related. Social, educational, recreational, religious, and dining activities may be included. Characteristics may include large group meetings or activities with peak parking demands and noise. If the floor area devoted to food or beverage sales exceeds 50% of the total gross floor area, the facility will be classified as a restaurant. (Ord. No. 2311-06, 1-18-06)
- (31) Post office customer service means the retail/customer service portion of the post office function that includes customer drop off of packages and mail; sale to the public of stamps, money orders, insurance, envelopes and packaging materials, and other mail services; and post office boxes. Characteristics include hours similar to offices and Saturday mornings, high volumes of automobile traffic and some truck traffic. Mail sorting for mail route delivery and distribution are not part of this land use.
- (32) Printing process/supply means a facility in which retail-oriented graphic and photographic reproductive services are conducted. This does not include industrial operations where printing is of a commercial nature.
- (33) Private entertainment (indoor) means entertainment services provided entirely within an enclosed building. It includes theaters, health or fitness centers, bowling alleys, arcades, roller rinks, and pool halls. Characteristics may include late operating hours, outdoor lighting, noise, and traffic.
- (34) Restaurant means an establishment whose principal business is the sale of food and beverages which are prepared and served in individual portions in a ready-to-consume state for consumption on site. This use is often found in conjunction with bars, hotels and food service. It is preferably located on major thoroughfares with no access to residential streets. Characteristics include late hours of operation, refuse, high car and truck traffic generation, and cooking odors. A food service or deli is not considered to be a restaurant if seating is provided for ten or fewer persons.
- (35) Retail means a facility where merchandise or equipment is displayed and rented or sold and where delivery of merchandise or equipment to the ultimate consumer is made. This use includes limited production, repair or processing as an accessory use. Hours of operation generally begin after the a.m. peak traffic period and extend to time ranges from 5:00 p.m. to 10:00 p.m.; although some convenience stores and grocery stores are open 24 hours per day. Characteristics generally include high parking demand and high off-peak traffic generation; generally prefers high visibility and access to major thoroughfares. This use includes but is not limited to camera shops, clothing stores, department stores, grocery stores, discount stores, jewelry

stores, delicatessens, retail bakeries, toy stores; but excludes restaurants, bars, pawn shops, motor vehicle sales, motor fuel stations, and large item retail.

- (36) Retail, large item means a facility where large item merchandise or equipment is displayed and rented or sold and where delivery of merchandise or equipment to the ultimate customer is made. Characteristics generally include hours of operation between 9:00 a.m. and 9:00 p.m. weekdays and weekends. The parking demand per square foot of building area is normally less than the demand for general retail. This use includes but is not limited to, furniture stores, carpet stores, large appliance stores; but excludes motor vehicle sales, pawnshops, and retail.
- (37) Service means on-site service provided directly to an individual. This use includes barbershops, beauty shops, therapeutic massage, nail salon, laundromats, shoe repair shops, and dry cleaners where articles to be cleaned are picked up and delivered by the patron. This use excludes pawnshops. (Ord. No. 2358-08, 8-14-08)
- (38) Sexually-oriented business means any limited impact sexually-oriented business or any high impact sexually-oriented business.
- a. Limited impact sexually-oriented business means a business where sexually-oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided, and which meets the following restrictions:
1. All sexually-oriented materials must be provided for use or entertainment off the business premises only;
 2. All sexually-oriented materials must be provided from a separate area to which persons under the age of 18 years are prohibited access;
 3. The separate area may not exceed a maximum of 20 percent of the retail floor area of the establishment, or 300 square feet, whichever is less;
 4. No person outside the separate area shall be able to perceive or observe any sexually oriented materials at any time, including when someone is entering or exiting the separate area, shopping, or purchasing sexually-oriented materials;
 5. A sign must be displayed on the entrance to the separate area, which shall read: "No person under the age of 18 years is allowed in this area." The sign letter shall be a minimum of two inches high; and
 6. The entry into the separate area shall be visible to an employee of the business at all times.
- b. High impact sexually-oriented business means any business with materials or entertainment which are principally related to sexual stimulation or gratification other than a limited impact sexually-oriented business. Examples of a high impact sexually-oriented business include the following:
1. A business where sexually-oriented materials are sold, bartered, distributed, leased, furnished, exhibited, or otherwise provided for use or entertainment on the business premises;

2. A business where specified sexual activities (as defined herein) are explicitly verbally described or shown;
 3. A business where specified anatomical areas (as defined herein) are explicitly verbally described or shown;
 4. A business providing sexually-oriented materials for off-site use or entertainment, which has a separate area but does not meet the size or other restrictions to qualify as a limited impact sexually-oriented businesses; and
 5. A business providing sexually-oriented materials for off-site use or entertainment, where the sexually oriented materials are dispersed within the business rather than isolated in a separate area.
- c. Definitions. For the purpose of **this subsection**, the following definitions shall apply:
1. Sexually-oriented materials means visual, printed, or aural materials, and other objects or devices, which:
 - i. Contain, depict, or describe specified sexual activities or specified anatomical areas; and
 - ii. Are marketed for use in conjunction with, or are primarily used only with or during, the specified sexual activities described in **subsections (a)(28)c.3.ii., (a)(28)c.3.iii. and (a)(28)c.3.vi. of this section**, or as part of the binding, fettering, or other physical restraint described in **subsection (a)(28)c.3.v. of this section**.
 - iii. Specified anatomical areas means:
 - iv. Less than completely and opaquely covered human genitals, pubic area, buttock, anus, or female breast below a point immediately above the top of the areola; and
 - v. Human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.
 2. Specified sexual activities means:
 - i. Actual or simulated sexual intercourse of any kind involving two humans, or one human and an animal or object;
 - ii. Actual or simulated masturbation;
 - iii. Actual or simulated sadism or masochism;
 - iv. Actual or simulated sexual stimulation of any kind;
 - v. Situations involving a person who is nude, clad in undergarments, or in a revealing costume, and who is engaged in activities involving binding, fettering, or other physical restraint of that or another person; and
 - vi. Sexually-oriented touching of an animal by a human.
- d. Sexually-oriented businesses. Sexually-oriented businesses exclude the following:

1. Any material with significant literary content or social commentary.
 2. A business where sexually-oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided for off-site use or entertainment, if: the material harmful to minors on each item is blocked from view by an opaque cover as required under [M.S.A. § 617.293](#), and each item is behind the counter and accessible only by an employee of the business.
 3. Displays of sexually-oriented materials may occur up to six times per year without rendering a business a high impact sexually-oriented business, if the displays are limited to an area which has been leased to a person or business for their exclusive occupancy for a private party, and the only people in attendance have received advance invitation from that person or company.
 4. Any person or organization exempted under [M.S.A. § 617.295](#).
 5. Any activity regulated under [M.S.A. § 617.251](#).
 6. Any business may display works of art showing specified anatomical areas, so long as no sexually-oriented materials are for sale, and the business does not have a liquor license.
 7. Movies rated G, GP, PG-13 or R.
- (39) Shopping center means a group of commercial uses planned, owned and managed as a unit that has common parking facilities. Shopping centers may include more than one building and more than one contiguous property and owner if approved under a single conditional use permit or planned unit development. (Ord. No. 2248-03)
- (40) Studio means a facility where the practice or study of the visual and audio arts occurs. This use may include painting, sculpturing, photography, recording, radio and television studios. This use also includes dance studios and studios for the martial arts. This use does not include large industrial photography or printing processes. (Ord. No. 2349-08)
- (41) Taproom means a facility where on-sale of malt liquor produced by the brewer for consumption on the premises of, or adjacent to, the brewery location owned by the brewer at which the malt liquor is produced. (Ord. No. 2449-13)
- (e) Industrial uses. The following are typical of the industrial uses referred to in [this chapter](#).
- (1) Anaerobic digester is an enclosed system in which controlled anaerobic digestion occurs, converting organic material into end-products such as biogas, fertilizer, water or other solids. Characteristics may include truck traffic, odor or noises. (Ord. No. 2452-14)
 - (2) Autobody/painting means a facility for painting, straightening, replacing and repairing the frame and body parts of motor vehicles usually damaged as result of an accident. It includes the outdoor storage of damaged and dismantled vehicles, and may generate odor and noise. This use excludes junkyards and automobile wrecking yards.

- (3) Catering means an operation where food is either fully or partially prepared on site and delivered to the customer off site for final preparation and consumption. Characteristics include truck traffic, refuse storage issues, limited on-site public contact, and possible odors from materials and processing.
- (4) Composting operation means the collection, storage, processing, disposal and distribution of vegetation. Characteristics may include odor, unsightly appearance, truck traffic and heavy equipment. Recycling of nonorganic materials is excluded.
- (5) Freight terminal means short term storage and transshipment of materials and the outdoor storage of trucks and related equipment. Characteristics include high volumes of large truck traffic.
- (6) Light Assembly means an operation that provides for a limited range of low intensity assembly activities, such as creating, repairing, or renovating products inside a fully enclosed building with minimal external effects. Light Assembly does not result in noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties. Such uses may be associated with small offices or warehousing operations. (Ord. No. 2414-12)
- (7) Low Impact Manufacturing & Processing means a facility that engages in the production of a physical commodity or changing the form of a raw ingredient within a fully enclosed structure. Such uses do not result in noxious or offensive odors, sounds, vibrations, emissions, smoke or external nuisances upon adjacent properties. It may include administrative offices, warehousing and distribution. This use does not include outdoor storage or overnight outdoor storage of commercial vehicles. (Ord. No. 2414-12)
- (8) Manufacturing/processing means a facility for the production of a physical commodity or changing the form of a raw ingredient. It may include administrative offices, warehousing, and limited distribution and sale of a commodity. Characteristics may include heavy truck traffic, odor and noise of processes and equipment, refuse storage issues, and the use of toxic and hazardous materials. Concrete plants, junkyards, slaughterhouses, rendering plants, salvage yards, and auto reduction plants are excluded.
- (9) Office warehouse means a facility in which the handling of information or the performing of administrative services is conducted in conjunction with receiving, holding, shipping and occasional packaging of commodities. Characteristics include high peak period traffic generation and 8:00 a.m. to 5:00 p.m. hours of operation, high truck traffic generation and parking demand.
- (10) Outdoor storage means the receiving, keeping and shipping of goods and materials outside of an enclosed building where outdoor activity includes only the unloading, loading, and keeping of materials. This use may include storage yards for contractors, equipment, lumber, landscaping materials, construction materials and shipping materials. Storage of unlicensed or inoperable vehicles or other materials typically associated with a junkyard, salvage yard or auto reduction plant are excluded.
- (11) Parcel delivery service/post office means a facility for the transshipment of letters and packages generally less than 100 pounds in weight. Customers may purchase

stamps, money orders, insurance, and other mail services. Hours of operation are similar to those of offices, but may include Saturdays. Characteristics include high volumes of truck and automobile traffic and vehicles stored on premises overnight.

- (12) Recycling operation means a facility located within an enclosed building for the collection, sorting, temporary storage, and shipment of recoverable resources including, but not limited to, newspapers, cardboard, glassware, metal cans and plastic.
 - (13) Research and Development means a facility for basic and applied research or product development. It may include the testing of agricultural, biological, chemical, magnetic, mechanical, optical or other components in advance of product manufacturing. The work completed may result in the creation of new goods or new intellectual property. Research and Development does not result in noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties. This use does not involve the fabrication, mass manufacture, or processing of products. (Ord. No. 2414-12, 6-1-12)
 - (14) Showroom means the display only of samples of merchandise and equipment where a sales agreement with a consumer is conducted and delivery of purchased merchandise is made from a warehouse that is not accessible to the consumer and is physically separated from the showroom by a minimum eight-foot-tall permanent wall. Merchandise or equipment which is displayed is typically large bulky items and includes, but is not limited to, furniture, appliances, plumbing fixtures, lighting, and carpeting. Characteristics include hours of operation between 9:00 a.m. and 9:00 p.m. weekdays and during some weekend hours.
 - (15) Warehouse/storage means a facility for receiving, holding, shipping and occasional packaging of commodities. With the exception of loading and unloading of commodities, and parking and storage of trailers, all functions shall be within an enclosed building. Characteristics may include high truck traffic generation and low parking demand. This use may include, but is not limited to, conventional warehouse facilities, mini warehouse, and joint warehouse and storage facilities.
- (f) Transportation uses. The following are typical of the transportation uses referred to in **this chapter**:
- (1) Heliport means a facility for the landing, taking off, basing, service, and repair of helicopters used for transportation purposes. Characteristics include noise and the outdoor storage of helicopters.
 - (2) Helistop means a facility for the landing and taking off of helicopters used for transportation purposes but with no facilities for the service of helicopters. Characteristics include intermittent periods of noise.
 - (3) Off-street parking areas means private off-street parking spaces that are not accessible to the public. (Ord. No. 2444-13, 8-30-13)
 - (4) Parking lots means surfaced and improved ground surface areas used for the parking of licensed and operable motor vehicles for periods of less than 24 hours.

- (5) Parking ramp means a structure built for the storage of licensed, operable motor vehicles for periods of less than 24 hours. Characteristics may include noise, exhaust fume odor, heavy traffic and large structure mass and footprint.
- (6) Transit stations means on-site loading, unloading and transferring of passengers on, off or between public transportation ground vehicles. Parking lots and parking ramps frequently are located in conjunction with the station.
- (g) Temporary uses. The following are typical of the temporary uses referred to in **this chapter**:
 - (1) Agricultural commodities sales means the temporary display and sale of Christmas trees and other greens which are associated with Christmas, flowers and produce.
 - (2) Building construction structure means a structure used by a contractor or leasing agent as an office or for storage purposes for a construction project for which a building permit has been secured and is in effect. This use includes construction trailers, sales and leasing.
 - (3) Carnival and festivals mean carnivals, festivals, community art fairs, and other activities that include uses such as entertainment, amusement rides, and/or the sale of food and merchandise. This use shall not include sales or promotional events offered by businesses with the intent of selling product or services identical or similar to those typically sold or conducted on the lot.
 - (4) Mobile Use means a commercial activity conducted as a temporary use within a vehicle.
 - (5) Mobile Use-Food means a vehicle or cart used to sell food and/or beverages to the consumer. It may or may not involve preparation of the food or beverage inside the vehicle. (Ord. No. 2563-19, 7-15-19)
 - (6) Mobile Use-Medical means a vehicle used for the following: blood mobiles, immunization, medical evaluation, imaging, diagnostic or testing procedure. Mobile Use-Medical also includes pet care when limited to immunizations and exams. Mobile Use – Medical does not include massage or any type of treatment or surgery.
 - (7) On-site equipment storage means any structure or outdoor storage area designed for the on-site storage of construction equipment and materials for an active construction project.
 - (8) Outdoor sales, temporary, means the display and sale of merchandise other than agricultural commodities outside of an enclosed building where it is offered in conjunction with an established use that legally sells the same or similar merchandise within a building on the same site. Characteristics include the use of tents, trailers, or other temporary structures.
 - (9) Pollution abatement equipment means equipment and structures that are erected or installed on a property for the purpose of eliminating or abating ground or water pollution.
 - (10) Temporary structure means a building other than a construction structure used for a period not exceeding six months.

(Code 1976, § 14:5-3.2; Ord. No. 2168-00, 5-15-2000; Ord. No. 2188-01, 2-5-2001; Ord. No. 2220-02, § 2, 3-18-2002; Ord. No. 2225-02, § 2, 6-3-2002; Ord. No. 2228-02, § 2, 7-15-2002; Ord. No. 2234-02, § 2, 12-2-2002; Ord. No. 2311-06, 1-27-2006; Ord. No. 2349-08, 2-22-2008; Ord. No. 2358-08, 8-14-2008; Ord. No. 2367-09, 1-23-2009; Ord. No. 2369-09, 1-30-2009; Ord. No. 2402-11, 8-12-2011; Ord. No. 2414-12, 6-1-2012; Ord. No. 2443-13, 7-13-2013; Ord. No. 2444-13, 8-5-2013; Ord. No. 2449-13, 11-15-2013; Ord. No. 2452-14, 5-2-2014, Ord. 2492-16, 5-16-16; Ord. No. 2514-17, 3-20-17; Ord. No. 2551-19, 1-22-19; Ord. No. 2562-19, 6-17-19; Ord. No. 2563-19, 7-15-19; Ord. No. 2596-20, 10-19-20; Ord. No. 2602-21, 1-4-21; Ord. No. 2621-21, 7-6-2021)

Secs. 36-143

Sec. 36-143. – 36-149. Reserved.

ARTICLE IV. ZONING DISTRICTS

Division 4. Neighborhood District Regulations

Sec. 36-161. Purpose of Division

- (a) The provisions of this division deal with the city's neighborhood districts including the appropriate uses of land and the forms of structures for residential and compatible non-residential uses.

Sec. 36-162. Purpose Statements

- (a) The N-1 district is intended for lower intensity neighborhood areas dominated by neighborhood streets and portions of multi-modal streets. This district allows a compatible mix of housing types at the scale of a house, including individual houses on a mix of lot sizes, clusters of smaller courtyard cottages/bungalows, and multi-unit houses with up to three units. This district is appropriate for areas with a curvilinear street pattern or a street grid/traditional block pattern, including blocks with and without alleys. This district is intended to enable upgrades to existing housing as well as supporting new development or redevelopment that complements a neighborhood's existing street, block, lot, and housing patterns. .
- (b) The N-2 district is intended for neighborhood areas along commercial corridors, neighborhood commercial nodes, multi-modal streets, and transit-priority streets. This district allows a compatible mix of house scale and low-rise housing types, including individual houses on a mix of lot sizes, clusters of smaller courtyard cottages/bungalows, multi-unit houses, small townhouse buildings, and low-rise apartment buildings. This district is appropriate for areas with a street grid/traditional block pattern with alleys or larger blocks with internal street circulation. This district is intended to enable upgrades to existing housing as well as supporting new development or redevelopment that complements a neighborhood's existing street, block, lot, and housing patterns. .
- (c) The N-3 district is intended for neighborhood areas within or adjacent to employment areas, commercial centers and corridors, large multi-use districts, schools, LRT station areas, neighborhood commercial nodes, community parks, and regional trails. This district allows a compatible mix of low- and mid-rise housing types, including multi-unit houses, small and large townhouse buildings, and low- and mid-rise apartment buildings. This district is appropriate for areas with a street grid/traditional block pattern with alleys or larger blocks with internal street circulation. This district is intended to enable upgrades to existing housing as well as supporting new development or redevelopment that complements a neighborhood's existing street, block, lot, and housing patterns. .
- (d) The N-4 district is intended for neighborhood areas in high intensity districts, commercial centers, LRT station areas, as well as adjacent to transit-priority streets, multi-modal streets, community schools, and community parks. This district allows a mix of high-rise housing types, including large townhouse buildings, mid- and high-rise apartment buildings, and mixed-use apartment buildings. This district is appropriate for areas with larger blocks with internal street circulation or a street grid/traditional block

pattern, including blocks with and without alleys. This district is intended to enable upgrades to existing housing as well as supporting new development or redevelopment that complements a neighborhood's existing street, block, lot, and housing patterns. .

Sec. 36-163. Principal Uses

- (a) Table XX lists land uses and indicates whether they are permitted, permitted with standards, conditional, or prohibited.
- (b) The following definitions shall be referenced when using Table XX:
 - (1) Permitted Use: A "P" indicates that a use is allowed by right, subject to compliance with all other applicable provisions of this code.
 - (2) Permitted with Standards Use: A "PS" indicates that a use is allowed when standards identified in section 36-168 "Use-Specific Standards, Principal" are met. Uses permitted with standards are also subject to all other applicable requirements of this chapter. Any request to vary from the standards set forth for a permitted with standards use shall be processed as a variance.
 - (3) Conditional Use: A "C" indicates that a use is allowed only if a conditional use permit is issued by the city after compliance with the procedure and requirements set forth in section XX "Conditional Use Permit."
 - (4) Prohibited Use: A blank cell in the use table indicates that the land use is prohibited in that zoning district.
- (c) In the event a proposed use is not listed in the use table, the zoning administrator is authorized to classify the proposed use into an existing use type as set forth in Table XX that the zoning administrator determines most closely fits the proposed use. The zoning administrator shall consider functional similarities between uses listed and the proposed use including nuisance characteristics, traffic, appearance and mode and hours of operation in making this determination. The determination of the zoning administrator shall be in writing and shall include a statement whether the use is designated as "permitted," "permitted with standards," or "permitted as a conditional use".
 - (1) If found to be consistent with a listed use, the proposed use shall be treated the same as the listed use.
 - (2) If no similar use determination is made by the zoning administrator, the proposed use is prohibited. In such case, one of the following actions may be taken:
 - a. The applicant may appeal the determination to the board of zoning appeals under the provisions of subsection 36-31(a).
 - b. The city council on its own initiative may amend this article to allow the proposed use.
 - c. An interested party may request an amendment to this chapter in accordance with the procedure and requirement set forth in section XX "Zoning Code Amendment."

Table XX. Principal Uses in Residential Districts

	Residential			
Use Type	N-1	N-2	N-3	N-4
Residential				
Household Living				
Dwelling, single-unit	PS	PS		
Dwelling, single-unit small	PS	PS		
Dwelling, two-unit (duplex)	PS	PS		
Dwelling, two-unit attached (twinhome)	PS	PS		
Dwelling, detached courtyard cottages/bungalows	PS	PS		
Dwelling, three-unit	PS	PS		
Dwelling, four-unit		PS		
Dwelling, townhouse (small)		PS	PS	PS
Dwelling, apartment (low-rise)		PS	PS	PS
Dwelling, townhouses (large)			PS	PS
Dwelling, apartment (mid-rise)			PS	PS
Dwelling, apartment (high-rise)				PS
Manufactured home park	C	C	C	C
Dwelling, existing single-unit detached	PS	PS	PS	PS
Group Living				
State-licensed residential facility	PS	PS	PS	PS
Roominghouse		P	P	P
Group home	PS	PS	PS	PS
Nursing home		PS	PS	PS
Lodging				
Bed and breakfast establishments	PS	PS		
Hostel			PS	PS
Public, Social, & Institutional				
Community centers	PS	PS	PS	PS
Educational (academic) facilities with 20 or fewer students	PS	PS	PS	PS
Educational (academic) facilities with more than 20 students	C	C	C	C
Libraries	PS	PS	PS	PS
Parks and open spaces	PS	PS	PS	P
Parks/recreation	PS	PS	PS	PS

Use Type	Residential			
	N-1	N-2	N-3	N-4
Police/fire station	PS	PS	PS	PS
Religious institutions	C	C	C	C
Commercial Uses				
Personal Services and Business				
Adult day care	PS	PS	PS	PS
Group day care/nursery school	PS	PS	PS	PS
Office less than 2,500 square feet		PS	PS	PS
Office in existence or having received preliminary office development approval by March 1, 1999			P	P
Recreation				
Country clubs	C			
Golf courses	C			
Healthcare				
Hospital			C	C
Transportation and Utilities				
Communication towers that are 45 feet or less in height	PS	PS	PS	PS
Communication towers more than 45 feet in height but not to exceed 70 feet in height	C	C	C	C
Public service structures	PS	PS	PS	PS
Transit stations		P	P	P

Sec. 36-164. Accessory Uses

- (a) Table XX lists accessory land uses and indicates whether they are permitted, permitted with standards, conditional, or prohibited.
- (b) The following definitions shall be referenced when using Table XX:
 - (1) Permitted Use: A “P” indicates that a use is allowed by right, subject to compliance with all other applicable provisions of this code.
 - (2) Permitted with Standards Use: A “PS” indicates that a use is allowed when standards identified in section 36-169 “Use-Specific Standards, Accessory” are met. Uses permitted with standards are also subject to all other applicable requirements of this chapter. Any request to vary from the standards set forth for a permitted with standards use shall be processed as a variance.

- (3) Conditional Use: A “C” indicates that a use is allowed only if a conditional use permit is issued by the city after compliance with the procedure and requirements set forth in **section XX “Conditional Use Permit.”**
 - (4) Prohibited Use: A blank cell in the use table indicates that the land use is prohibited in that zoning district.
- (c) In the event a proposed use is not listed in the use table, the zoning administrator is authorized to classify the proposed use into an existing use type as set forth in Table XX that the zoning administrator determines most closely fits the proposed use. The zoning administrator shall consider functional similarities between uses listed and the proposed use including nuisance characteristics, traffic, appearance and mode and hours of operation in making this determination. The determination of the zoning administrator shall be in writing and shall include a statement whether the use is designated as "permitted," "permitted with standards," or "permitted as a conditional use".
- (1) If found to be consistent with a listed use, the proposed use shall be treated the same as the listed use.
 - (2) If no similar use determination is made by the zoning administrator, the proposed use is prohibited. In such case, one of the following actions may be taken:
 - a. The applicant may appeal the determination to the board of zoning appeals under the provisions of subsection 36-31(a).
 - b. The city council on its own initiative may amend this chapter to allow the proposed use.
 - c. An interested party may request an amendment to this chapter in accordance with the procedure and requirement set forth in section XX “Zoning Code Amendment.”

Table XX. Accessory Uses

Use Type	Residential			
	N-1	N-2	N-3	N-4
Accessory Uses				
Accessory dwelling unit	PS	PS		
Accessory dwelling units affiliated with a Religious Institution	PS	PS	PS	PS
Accessory building	PS	PS	PS	PS
Adult day care in a religious institution, community center, or nursing home	PS	PS	PS	PS
Boarders or roomers	PS	PS	PS	PS
Catering	PS	P		
Community garden	PS	PS	PS	PS
Family day care facilities serving 14 or fewer persons	PS	PS	PS	PS
Gardening and other horticultural uses	P	P	P	P
Group day care/nursery school in a religious institution, community center, or educational (academic) institution	PS	PS	PS	PS
Helistops			PS	PS
Home occupations	PS	PS	PS	PS
Living quarters of persons employed for domestic or medical purposes on the premises	PS	PS	PS	PS
Mikvah pools	PS	PS	PS	PS
Parking lot	P	P	P	P
Parking ramps			PS	PS
Residential sport court	PS	PS	PS	PS
Residential swimming pool	PS	PS	PS	PS
Supportive commercial use			PS	PS

Sec. 36-165. Lot Dimension Standards

- (a) **Table XX** establishes the minimum lot width and lot area standards for the N-1, N-2, N-3, and N-4 districts.

Table XX. Lot Dimensional Standards

District	Housing Type	Lot width minimum with alley (ft) ¹	Lot width minimum without alley (ft) ¹	Lot area minimum with alley (sq ft) ¹	Lot area minimum without alley (sq ft) ¹
N-1	Dwelling, single-unit small [only lots with alleys]	30		3,600	
	Dwelling, single-unit	40	50	4,800	6,000
	Dwelling, two-unit (duplex)	40	50	4,800	6,000
	Dwelling, two-unit attached (twinhome)	25 [50]	35 [70]	3,125 [6,250]	4,375 [8,750]
	Dwelling, detached courtyard cottages/bungalows	100	110	13,000	14,300
	Dwelling, three-unit	60	70	7,800	9,100
N-2	Dwelling, single-unit small [only lots with alleys]	30		3,600	
	Dwelling, single-unit	40	50	4,800	6,000
	Dwelling, two-unit (duplex)	40	50	4,800	6,000
	Dwelling, two-unit attached (twinhome)	25 [50]	35 [70]	3,125 [6,250]	4,375 [8,750]
	Dwelling, detached courtyard cottages/bungalows	100	110	13,000	14,300
	Dwelling, three-unit	60	70	7,800	9,100
	Dwelling, four-unit	60	70	7,800	9,100
	Dwelling, townhouse (small)	20	20	2,600	2,600
	Dwelling, apartment (low-rise)	60	70	7,800	9,100
N-3	Dwelling, townhouse (small)	20	20	2,600	2,600
	Dwelling, apartment (low-rise)	60	70	7,800	9,100
	Dwelling, townhouse (large)	20	20	2,600	2,600
	Dwelling, apartment (mid-rise)	60	70	7,800	9,100
N-4	Dwelling, townhouse (small)	20	20	2,600	2,600
	Dwelling, apartment (low-rise)	60	70	7,800	9,100
	Dwelling, townhouse (large)	20	20	2,600	2,600
	Dwelling, apartment (mid-rise)	60	70	7,800	9,100
	Dwelling, apartment (high-rise)	60	70	7,800	9,100

(b) **Table XX** Notes:

- (1) For N-3 and N-4 districts, minimum lot width and area requirements in table, except where subdivisions for the purpose of establishing condominium ownership result in lot sizes smaller than the established minimum.

Sec. 36-166. Site Dimension Standards

(a) **Table XX** establishes the minimum yard setback standards for the N-1, N-2, N-3, and N-4 districts

Table XX. Setback Standards

District	Housing Type	Front Yard Setback Minimum (feet) ^{1,2}	Side Corner Yard Setback Minimum (feet) ^{3,4,5}	Side Interior Yard Setback Minimum (feet) for Attached Garage or Lot with Alley ^{4,5}	Side Interior Yard Setback Minimum (feet) for Detached Garage on Lot without Alley ^{4,5}	Rear Yard Setback Minimum (feet) ⁶	Perimeter Setback Minimum (feet)
N-1	Dwelling, single-unit small [only lots with alleys]	25	15	5	9/5	25	
	Dwelling, single-unit			5	9/5	25	
	Dwelling, two-unit (duplex)			5	9/5	25	
	Dwelling, two-unit attached (twinhome)			5	9/5	25	
	Dwelling, detached courtyard cottages/ bungalows						10
	Dwelling, three-unit			5	9/5	25	
	Dwelling, single-unit small [only lots with alleys]	25	15	5	9/5	25	
	Dwelling, single-unit			5	9/5	25	
	Dwelling, two-unit (duplex)			5	9/5	25	
	Dwelling, two-unit attached (twinhome)			5	9/5	25	

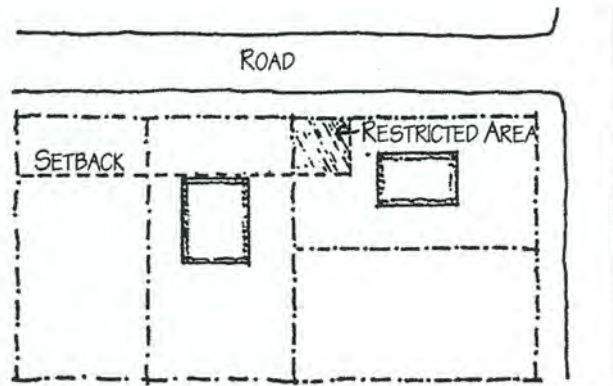
District	Housing Type	Front Yard Setback Minimum (feet) ^{1,2}	Side Corner Yard Setback Minimum (feet) ^{3,4,5}	Side Interior Yard Setback Minimum (feet) for Attached Garage or Lot with Alley ^{4,5}	Side Interior Yard Setback Minimum (feet) for Detached Garage on Lot without Alley ^{4,5}	Rear Yard Setback Minimum (feet) ⁶	Perimeter Setback Minimum (feet)
N-2	Dwelling, detached courtyard cottages/ bungalows						10
	Dwelling, three-unit			5	9/5	25	
	Dwelling, four-unit			5	9/5	25	
	Dwelling, townhouse (small)			10	10	25	20 feet if adjacent to N-1 district
	Dwelling, apartment (low-rise)			10	10	25	
N-3	Dwelling, townhouse (small)	15	15	10	10	10	20 feet if adjacent to N-1 district
	Dwelling, apartment (low-rise)			10	10	10	
	Dwelling, townhouse (large)			10	10	10	30 feet if adjacent to N-1 or N-2 districts
	Dwelling, apartment (mid-rise)			10	10	10	
	Dwelling, townhouse (small)	15	15	10	10	10	20 feet if adjacent to N-1 district
	Dwelling, apartment (low-rise)			10	10	10	

District	Housing Type	Front Yard Setback Minimum (feet) ^{1,2}	Side Corner Yard Setback Minimum (feet) ^{3,4,5}	Side Interior Yard Setback Minimum (feet) for Attached Garage or Lot with Alley ^{4,5}	Side Interior Yard Setback Minimum (feet) for Detached Garage on Lot without Alley ^{4,5}	Rear Yard Setback Minimum (feet) ⁶	Perimeter Setback Minimum (feet)
N-4	Dwelling, townhouse (large)			10	10	10	30 feet if adjacent to N-1 or N-2 districts
	Dwelling, apartment (mid-rise)			10	10	10	
	Dwelling, apartment (high-rise)			10	10	10	Half the building height if adjacent to N-1, N-2, or N-3 districts

(b) **Table XX** Notes:

- (1) For N-1 and N-2 districts, minimum requirement in table or the front wall of the closest house on the block front, whichever is greater. See additional exceptions in **Section 36-73**.
- (2) For N-1 and N-2 districts, through lots shall have a required front yard on each street.
- (3) Except that a lot of record that is less than the minimum lot width shall have a minimum side yard abutting a street that is 9 feet in width.
- (4) The width of the side yard abutting a building wall shall be increased two inches for each foot the length of the wall of the building exceeds 40 feet (N-1, N-2) or 50 feet (N-3, N-4).
 - a. For the purposes of applying this subsection, a wall includes any building wall within ten degrees of being parallel to and abutting the side lot line of a lot.
 - b. Side yard widths may be reduced if the side wall of a building is not parallel by more than ten degrees with the side lot line.
 - c. The minimum side yard shall be met by the average depth of the side yard. No side yard shall be less than five feet deep.
 - d. No side yard shall be reduced to prevent construction of a driveway from the street into the rear of the lot unless a garage which has access from the street is located on the lot or an alley provides a secondary access to the rear yard of the lot.

- (5) For N-1 and N-2 districts, if a corner lot has a rear lot line which is common with the side lot line of another lot, no building shall occupy that portion of the rear yard of the corner lot that abuts the front yard of the other lot for a distance equal to the depth of the front yard of that other lot or 30 feet, whichever is less, measured from the common property line of the two lots extending toward the front lot line of the corner lot on a line perpendicular to the common lot line of the two lots. See the following diagram.



Common Rear / Side Lot Lines

(c) Table XX establishes the minimum building, outdoor recreation, and lot coverage for the N-1, N-2, N-3, and N-4 districts.

Table XX. Building, Outdoor Recreation, and Lot Coverage Standards

District	Housing Type	Building Height Maximum (feet) ¹	Distance Between Buildings Minimum (feet)	DORA Minimum	Principal Building Coverage Maximum	Impervious Surface Coverage Maximum
N-1	Dwelling, single-unit small [only lots with alleys]	30			35%	60%
	Dwelling, single-unit				35%	60%
	Dwelling, two-unit (duplex)				35%	60%
	Dwelling, two-unit attached (twinhome)				35%	60%
	Dwelling, detached courtyard		10		35%	60%

District	Housing Type	Building Height Maximum (feet) ¹	Distance Between Buildings Minimum (feet)	DORA Minimum	Principal Building Coverage Maximum	Impervious Surface Coverage Maximum
	cottages/ bungalows					
	Dwelling, three-unit				35%	60%
N-2	Dwelling, single-unit small [only lots with alleys]	40			35%	60%
	Dwelling, single-unit				35%	60%
	Dwelling, two-unit (duplex)				35%	60%
	Dwelling, two-unit attached (twinhome)				35%	60%
	Dwelling, detached courtyard cottages/ bungalows		10		35%	60%
	Dwelling, three-unit				35%	60%
	Dwelling, four-unit				35%	75%
	Dwelling, townhouse (small)		15	12%		75%
Dwelling, apartment (low-rise)	15	12%		80%		
N-3	Dwelling, townhouse (small)	75	15	12%		75%
	Dwelling, apartment (low-rise)		1/2 the building height	12%		80%

District	Housing Type	Building Height Maximum (feet) ¹	Distance Between Buildings Minimum (feet)	DORA Minimum	Principal Building Coverage Maximum	Impervious Surface Coverage Maximum
	Dwelling, townhouse (large)		15	12%		80%
	Dwelling, apartment (mid-rise)		1/2 the building height	12%		85%
N-4	Dwelling, townhouse (small)	More than 75	15	12%		80%
	Dwelling, apartment (low-rise)		1/2 the building height	12%		80%
	Dwelling, townhouse (large)		15	12%		80%
	Dwelling, apartment (mid-rise)		1/2 the building height	12%		85%
	Dwelling, apartment (high-rise)		1/2 the building height	12%		85%

(a) Table XX Notes:

(1) Building height maximum is subject to exceptions in section 36-78.

Sec. 36-167. District Standards

- (a) For N-1 and N-2 districts, a single-family house which legally existed or for which a valid building permit had been granted on or before the effective date of the ordinance from which this chapter is derived, may be expanded by an addition or dormer, provided the addition does not extend into the existing side yard.
- (b) For N-3 and N-4 districts, all dwelling units shall be at or above the grade of all land abutting the structure within a distance of 25 feet from all faces of the building.
- (c) Any parcels which are subdivided for the purpose of creating condominium ownership are permitted provided that the overall density created within all condominium parcels plus the common lot do not exceed the maximum density permitted within the zoning district. Provisions for designed outdoor recreation area may be provided on a common lot. Any front, rear, and side yard dimensions required by section 36-166 shall apply from the building face to the property line of the common lot.

- (d) Structures or properties. All structures or properties within any N district shall comply with the following regulations:
- (1) No accessory building or permanent structure shall be located in a drainage or utility easement without first obtaining approval of an encroachment agreement.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be stored in a manner provided in this chapter.
 - (3) All utility lines including electric, gas, water, sanitary sewer, telephone, and television cable shall be placed underground when used with all new structures or additions which expand the gross square footage of a structure by more than 50 percent unless used for service to single- or two-unit dwellings. In addition, any new service to an existing building other than a single- or two-unit dwelling shall be placed underground.
 - (4) All access roads shall have a poured-in-place concrete curb measuring at least six inches above and below the grade in all developments except developments of single- or two-unit dwellings.
 - (5) Interior pedestrian circulation and pedestrian linkage to any existing public trails or sidewalks shall be provided where practically possible for all developments except developments of single- or two-unit dwellings.
 - (6) All single- and two-unit dwellings shall:
 - a. Be built on a permanent foundation;
 - b. Be connected to the city sanitary sewer and water; and
 - c. If the dwelling is a manufactured home, it shall:
 1. Have a permanent, completely enclosed foundation which complies with the state manufactured home building code and which is constructed around the entire circumference of the structure.
 2. Meet the standards and be certified by the U.S. Department of Housing and Urban Development.
- (e) Parking and storing of vehicles. The parking or storing of any motor vehicle, recreation vehicle, or commercial vehicle is subject to all restrictions in this subsection and under section [36-361](#).
- (1) Purpose. The city council finds that in areas set aside by this chapter for residential development certain performance standards are desirable in order to preserve neighborhood character, public health and safety, property values, and allow all residents a reasonable use and enjoyment of property. To this purpose, the city council finds that the use and possession of commercial and recreational vehicles are an important factor in the lives of a substantial number of residents of the city. The council finds that certain types and sizes of commercial and recreational vehicles, the improper storage of commercial and recreational vehicles, and the parking of and storage of excessive numbers of vehicles can affect the neighborhood character as well as public health and safety, property values, and the reasonable use and enjoyment of neighboring properties. While the ability of recreational vehicle

owners to provide for the security of and access to their vehicles is a reasonable expectation, they have a responsibility to respect the rights of residents, owners, and users of neighboring properties and to avoid interference with the purposes of the zoning district in which they are located. The city council further finds that the establishment of these regulations furthers the goals in the city's comprehensive plan relative to enhancement of residential neighborhoods and similar goals expressed in Vision St. Louis Park. The city council establishes these regulations as a means to balance the interests of the owners of commercial and recreational vehicles, adjacent residents and the public.

- (2) Except as provided in **subsections (b)(3) and (b)(9) of this section**, no motor vehicle, recreational vehicle, commercial vehicle, or trailer shall be permitted to stand or park in any N district which exceeds any of the following:
- a. Eight feet in height, measured from the ground to the highest point on the vehicle at recommended tire pressure. For the purpose of measuring height, all accessories, attachments, and materials carried upon a vehicle shall be considered part of the vehicle;
 - b. Twenty-two feet in length, measured at the longest point of the vehicle or, if a trailer, the horizontal distance between the front and rear edges of the trailer bed. For the purpose of measuring length, all accessories, attachments, and materials carried upon a vehicle shall be considered part of the vehicle or trailer bed; or
 - c. Six thousand five hundred pounds, empty weight including the box.
- (3) One recreational vehicle which exceeds any of the limits set forth in **subsection (b)(2) of this section** and is owned by the occupant of the premises can be parked in the back yard area if:
- a. The vehicle is parked no closer than five feet from any property line.
 - b. If the property has more than a two-unit dwelling, the vehicle must be stored on a concrete or bituminous surface and the parking space must be in excess of the minimum number of parking spaces required by this chapter.
 - c. The vehicle shall be screened using a 90 percent opaque fence which is six feet high and plant materials which at maturity have the ability to screen 100 percent of the height and 100 percent of the length of the vehicle with a minimum of 50 percent opacity from view from:
 1. Any park.
 2. Any abutting residentially developed property.
 3. Any street which abuts the back yard.
- The fence and plant materials shall be located in such a manner that visibility is maintained as required in **section 36-76**. A six-foot-high gate may be placed in the fence to allow for ingress and egress. Plant materials may be omitted at points of ingress and egress but the gap in landscaping may not exceed the width of the vehicle plus two feet.

- (4) The following provisions shall apply to the parking and storage of vehicles on residential parcels in the N-1 and N-2 district:
- a. No more than three vehicles can be parked or stored outside an enclosed building on a lot that contains a single-unit dwelling. For a two-unit dwelling (duplex), six vehicles can be parked or stored outside. If there are more than three persons residing at a single-unit dwelling, inclusive of an accessory dwelling unit or a boarder, who have valid state driver's licenses showing the residence addresses on the lot, then the total number of vehicles allowed to be parked outside is increased to a number equal to the number of licensed drivers residing at the property not to exceed five vehicles. The provisions of this subsection shall not apply during snow emergencies.
 - b. No more than two non-passenger vehicles can be parked on a residential lot outside of an enclosed building. Except as permitted in subsection (b)(3) of this section, vehicles shall be stored on a designated parking space. Non-passenger vehicles cannot be parked or stored in a front yard or a side yard abutting a street except as allowed under subsection (b)(4)g of this section.
 - c. Only commercial vehicles which do not exceed any of the size requirements under subsection (b)(2) of this section and are designed exclusively for on-street use can be parked on residential lots outside an enclosed building. Commercial vehicles shall be parked only within a garage or on a designated parking space and cannot be parked or stored in a front yard or a side yard abutting a street except as permitted under subsection (b)(4)g of this section.
 - d. Except as permitted in subsection (b)(3) of this section, all vehicles must be stored on a surface improved for driveway purposes with an approved paving surface.
 - e. No more than one recreational vehicle which exceeds the size requirements in subsection (b)(3) of this section can be parked on a residential lot outside an enclosed building.
 - f. No non-passenger vehicle can be parked within five feet of an interior side lot line or rear lot line.
 - g. No non-passenger vehicle can be parked within the front yard or within a side yard abutting a street except where designated parking space is permitted under subsection 36-361(k)(11). Under no circumstances can a non-passenger vehicle which exceeds the size limitations in subsection (b)(2) of this section be parked in a front yard.
 - h. No non-passenger vehicle can be parked on a residential lot if the vehicle is not owned or leased by the occupant of the premises where it is parked or is a commercial vehicle owned by the employer of an occupant who is using the vehicle for business purposes.
 - i. Only one tow truck can be parked on a residential property.
 - j. Parking is not permitted within a driveway in the N-1 district within five feet of the curb of a public street. In the absence of a curb, parking shall not be permitted

within five feet of the traveled public roadway, in no event can a vehicle be parked in such a manner as to block a public sidewalk.

- k. The total area in the front yard of a single-unit dwelling lot improved for parking and driveway purposes shall not exceed 30 percent of a front yard area. Additionally, the average width of a driveway shall not be more than 22 feet. This provision will not prohibit an average driveway width of up to 22 feet for all single-unit dwelling lots.
 - l. Recreational vehicles six feet in height or less at their highest points may be parked in one non-driveway side yard on a residentially zoned lot provided that they are ten feet or more from the adjacent residence, do not extend beyond the front building wall of the house, and are screened from the street and from the adjacent neighbor with a 90 percent opaque fence with a height at least equal to the height of the highest point of the vehicle to be screened. A fence-height gate may be placed in the fence to allow for ingress and egress.
- (5) One vehicle with an attached snowplow can be parked outside of an enclosed building between November 1 or the first two-inch snowfall, whichever occurs first, and April 30. This vehicle will be considered to be a commercial vehicle when applying this chapter.
 - (6) Snowplows and other commercial equipment must be stored within an enclosed structure when not attached to a vehicle.
 - (7) Outdoor storage of fish houses is not permitted on a residential lot
 - (8) On-street parking of non-passenger vehicles is not permitted within any N district.
 - (9) The following are exempt from the provisions in this subsection:
 - a. Any vehicle being used in conjunction with a temporary service benefiting the property.
 - b. Vehicles used in conjunction with authorized construction sites between 7:00 a.m. and 10:00 p.m. Monday through Friday and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.
 - c. Vehicles used in conjunction with authorized public works construction.
 - d. Recreational vehicles can be parked temporarily while being loaded or unloaded or during routine maintenance and servicing not exceeding 48 consecutive hours.

Sec. 36-168. Use Specific Standards, Principal

- (a) Adult day care.
 - (1) At least 12% of the lot area shall be developed as designed outdoor recreation area.
 - (2) Within the N-1 and N-2 districts, the facility can serve 16 or fewer persons.
- (b) Bed and breakfast establishments.
 - (1) The facility shall be owner occupied.
 - (2) The total number of guestrooms shall be limited to three.

- (3) Not more than 50 percent of the gross floor area of the residence shall be used for the guesthouse operation.
 - (4) Accommodations may be provided to a guest for a period not exceeding 14 days.
 - (5) Food service shall be limited to breakfast.
 - (6) Rented rooms shall not contain cooking facilities.
 - (7) Rooms used for sleeping shall be part of the primary residential structure and shall not have been constructed specifically for rental purposes.
- (c) Communication towers that are 45 feet or less.
- (1) The tower must meet the standards of Section 368 (Communication Towers and Antennas).
- (d) Communication towers that are more than 45 feet in height but not to exceed 70 feet in height.
- (1) The tower must meet the standards of Section 368 (Communication Towers and Antennas).
- (e) Community centers.
- (1) The property shall be designated as civic in the comprehensive plan.
 - (2) Unless a redevelopment plan for the area has been adopted as part of the city comprehensive plan, the following standards shall apply:
 - a. The principal building shall be located a minimum of 30 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
 - b. Outdoor areas improved for group activities shall be located at least 25 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to schools and religious institutions.
- (f) Country clubs.
- (1) All structures shall be located a minimum of 30 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (g) Dwellings
- (1) Dwelling, single unit
 - a. Lot access
 - 1. If a lot is adjacent to an alley, driveway access shall be off the alley.
 - 2. If a lot is not adjacent to an alley but is a corner lot or a through lot, then driveway access shall be off the side street with the lower functional class as defined by the comprehensive plan.

3. If a lot is not adjacent to an alley nor a corner lot, driveway access can be from the street.
 4. A driveway existing as of [insert date] that does not meet the above lot access standards can continue in the same location until the property is redeveloped. Such driveway may be expanded as long as it is in conformance with the City Code.
 - b. The front façade of an attached garage must be a minimum of 5 feet behind the principal building's front façade. A garage with more than two parking stalls shall have the front façade of the third stall set back an additional 3 feet.
 - c. The maximum garage width facing a public right-of-way shall not exceed 50% of the principal building's front facade.
 - d. The width of the side yard abutting a building wall shall be increased two inches for each foot the length of the building wall exceeds 50 feet. For the purpose of this section, a wall includes any building wall within ten degrees of being parallel to and abutting the side lot line of a lot.
- (2) Dwelling, single unit small
- a. The dwelling shall be no more than 1,200 square feet in size.
 - b. The dwelling footprint shall be no more than 800 square feet
 - c. The maximum height of the dwelling unit shall be 25 feet.
- (3) Dwelling, two-unit (duplex)
- a. Any two-unit (duplex) dwelling shall abide by the standards as required for dwelling, single-unit above.
- (4) Dwelling, two-unit attached (twinhome)
- a. Any two-unit attached (twinhome) dwelling shall abide by the standards as required for dwelling, single-unit above.
- (5) Dwelling, detached courtyard cottages/bungalows
- a. A cottage courtyard development shall consist of at least four and no more than 12 dwelling units located around a shared, centrally located courtyard.
 - b. The cottage courtyard development shall provide a minimum of 300 square feet of common open space per dwelling unit. This common open space includes the required shared courtyard, which shall be at least 20 feet in width and depth.
 - c. A cottage courtyard development may have more than one courtyard.
 - d. Each dwelling unit shall have a maximum height of 25 feet.
 - e. Each dwelling unit shall have a maximum ground floor area of 900 square feet.
 - f. Each dwelling unit shall have the primary entrance oriented to the shared courtyard.
 - g. Each dwelling unit abutting a public street shall have windows on the facade oriented to the public street.

- h. Each dwelling unit shall have no more than a one-stall attached garage.
 - i. Accessory buildings. No accessory buildings shall be allowed except for a one-stall detached garage for each dwelling unit and accessory buildings for use by the homeowners association.
 - j. Parking areas shall not be located in any required yard abutting a public street.
 - k. Accessory dwelling units are prohibited.
 - l. Dwelling units may be located on one parcel or on individual parcels for each dwelling unit with a separate parcel for common open spaces and facilities.
- (6) Dwelling, three-unit
- a. Driveway access shall be off the alley if present. If a lot is on a corner, then the driveway shall be off the side street if an alley is not present. If there is not an alley or the lot is not a corner lot, the driveway access may be from the front of the property.
 - b. On the public street-facing facade, no garage shall occupy more than 50 percent of any street-facing individual unit facade.
- (7) Dwelling, four-unit
- a. Any four-unit dwelling shall abide by the standards as required for dwelling, three-unit above.
- (8) Dwelling, townhouse
- a. Lot access
 - 1. If a lot is adjacent to an alley, driveway access shall be off the alley.
 - 2. If a lot is not adjacent to an alley but is a corner lot or a through lot, then driveway access shall be off the side street with the lower functional class as defined by the comprehensive plan.
 - 3. If a lot is not adjacent to an alley nor a corner lot, driveway access can be from the street.
 - 4. A driveway existing as of [insert date] that does not meet the above lot access standards can continue in the same location until the property is redeveloped. Such driveway may be expanded as long as it is in conformance with the City Code.
 - b. The maximum number of dwellings per structure shall be as follows:
 - 1. Small townhouse dwelling shall have no more than four units
 - 2. Large townhouse dwelling shall have no more than eight units The orientation of the structure(s) shall match the orientation of other existing principal structures along the block on which it is located.
 - c. On the public street-facing facade, no garage shall extend more than 50 percent of any individual unit.

- d. Buildings shall be designed with significant variation in the façade every 60 feet and minor variations at least every 20 feet. Variation can be achieved with articulation, texture, materials, doors, windows, roof dormers, gables, and covered porches. Any architectural projection or recess used to accomplish this change shall be a minimum of six feet wide and two feet deep.
- (9) Dwelling, apartment (low-rise)
- a. Lot access
 - 1. If a lot is adjacent to an alley, driveway access shall be off the alley.
 - 2. If a lot is not adjacent to an alley but is a corner lot or a through lot, then driveway access shall be off the street with the lower functional class as defined by the comprehensive plan.
 - 3. If a lot is not adjacent to an alley nor a corner lot, driveway access can be from the street.
 - 4. A driveway existing as of [insert date] that does not meet the above lot access standards can continue in the same location until the property is redeveloped. Such driveway may be expanded as long as it is in conformance with the City Code.
- (10) Dwelling, apartment (mid-rise)
- a. Dwelling unit entrances for ground floor units may be internal to the building or individual exterior entrances.
 - b. Any driveways or parking areas within 30 feet of a property zoned N-1 or N-2 outside of the development shall be screened. Such screening may consist of a solid hedge, an architectural compatible opaque wall, fence, berm or combination thereof.
 - c. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial, or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (11) Dwelling, apartment (high-rise)
- a. Any high-rise apartment dwelling shall abide by the standards as required for dwelling, apartment (mid-rise) above.
- (h) Educational (academic) facilities with 20 or fewer students.
- (1) The school shall be limited to preschool through eighth grade.
 - (2) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial, or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - (3) Student drop-off and loading areas shall not interfere with traffic and pedestrian movements.
 - (4) An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the school, or be located adjacent to a public park.

- (i) Educational (academic) facilities with more than 20 students.
 - (1) Educational buildings shall be located a minimum of 30 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
 - (2) An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - (3) Outdoor recreational and play areas shall be located at least 25 feet from any parcel that is zoned N or either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
 - (4) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial, or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - (5) Student housing may be allowed as an accessory use within the N-2 and N-3 districts with the following conditions:
 - a. No more than 50 students may live on-site in the N-2 district, while no more than 200 students may live on-site in the N-3 district.
 - b. An outdoor recreation area shall be provided that contains at least 40 square feet per student living at the educational (academic) facility.
 - c. The housing must be supervised 24 hours a day, seven days a week by an adult living on-site.
 - d. The students living on-site must be actively enrolled in the educational (academic) facility as full-time students.
 - e. The student housing must be located on the same parcel as the educational (academic) facility.
- (j) Golf courses.
 - (1) All structures shall be located a minimum of 30 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (k) Group day care/nursery school.
 - (1) At least 12% of the lot area shall be developed as designed outdoor recreation area.
 - (2) The on-site outdoor activity areas shall be located in the rear yard and enclosed by a fence.
 - (3) Outdoor recreational and play areas shall be located at least 25 feet from any lot zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.

- (4) City parks may be utilized to meet up to 50 percent of the required outdoor activity areas with the following conditions:
 - a. The park must have age-appropriate play equipment.
 - b. There is a clearly defined and maintained sidewalk or improved trail connecting the facility to the park.
- (5) In the N-1 and N-2 districts, the group day care/nursery school must be licensed and serve 16 or fewer children.
- (l) Group home.
 - (1) At least 800 square feet of lot area shall be provided for each person, including resident staff, housed on the site.
 - (2) The maximum occupancy of an individual dwelling unit shall not exceed six persons.
 - (3) The maximum occupancy of a facility shall not exceed 18 people in the N-1 district, 30 people in the N-2 district, and 50 people in the N-3 district. A minimum of 300 square feet of gross building area shall be provided for each resident.
 - (4) At least 12% of the lot area shall be developed as designed outdoor recreation area.
 - (5) No more than two people shall occupy one bedroom.
 - (6) The dwelling unit shall provide one bathroom for each three persons.
 - (7) The use shall not be located within 1,500 feet of any other group home or state-licensed residential facility.
 - (8) The use shall be located within 300 feet of a commercial or mixed-use district.
 - (9) The building structure shall not be modified or converted for the specific purpose of accommodating the group home use except to comply with Americans with Disabilities Act requirements or other normal maintenance and repair.
- (m) Hospital.
 - (1) Buildings located within 100 feet of a property zoned N-1 or N-2 shall be limited to the lesser of four stories or 45 feet. The height of all other buildings more than 100 feet away in N-1 or N-2, or located in the N-3 or N-4 districts, shall be regulated by yard and floor area ratio requirements.
 - (2) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial.
 - (3) Internal traffic circulation shall be designed to minimize traffic within 100 feet of any property abutting a N district.
 - (4) Screening and a six foot privacy fence shall be installed and maintained along any abutting N district.
 - (5) The property shall be designated for office use in the comprehensive plan.
- (n) Hostel.
 - (1) The hostel shall be affiliated with a national or international hostel organization and shall be subject to the operating procedures of such organization.

- (2) The hostel shall be available for occupancy only by members of the affiliate or the parent organization.
- (3) The hours for check-in/check-out shall be limited to 6:00 a.m. to 1:00 a.m.
- (4) Overnight parking of vehicles whose passenger capacity exceeds 15 shall be prohibited on the site.
- (5) Outdoor recreational and play areas shall be located at least 25 feet from any lot zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (6) No room shall contain more than four beds.

(o) Libraries.

- (1) All structures shall be located a minimum of 30 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.

(p) Manufactured home park.

- (1) The manufactured home park, and all manufactured homes sited within it, must meet all requirements set forth in state statutes.
- (2) A responsible attendant or caretaker must be in charge at all times and shall be responsible for ensuring the maintenance of the park, its facilities, and its equipment in clean, ordinary, and sanitary condition.
- (3) The manufactured home park must be at least 5 acres in size.
- (4) The manufactured home park shall meet the density requirement set forth in the comprehensive plan.
- (5) Uses permitted within the park shall include only manufactured homes, storm shelters, recreational facilities, and accessory uses to the manufactured homes, including common laundering facilities, garages, sheds, and similar structures necessary for the operation and maintenance of the park.
- (6) All manufactured homes shall be equipped with an anchoring system approved by the Minnesota Department of Administration (Building Code division). The frame, wheels, crawl space, storage areas, and utility connections of all manufactured homes shall be concealed from view by skirting made of durable all-weather construction material that is consistent with the exterior of the manufactured home. Installation of the skirting must be completed within 60 days of the placement of the manufactured home on the pad. No obstruction shall be permitted that impedes the inspection of plumbing and electrical facilities.
- (7) The maximum coverage on individual manufactured home sites for the manufactured home, any accessory structures, and driveway shall be 50%.
- (8) Except for public, community, and utility structures, the maximum height of principal and accessory structures shall not exceed 20 feet.

(q) Nursing home

- (1) All structures shall be located a minimum of 30 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (2) At least 12% of the lot area shall be developed as designed outdoor recreation area.

(r) Office less than 2,500 square feet.

- (1) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial, or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (2) The materials used in and placement of all signs shall be integrated with the building design and architecture.
- (3) The architecture of the building shall be residential in character.
- (4) The parking areas shall be set back at least five feet from any parcel that is zoned N.

(s) Parks/recreation.

- (1) All structures shall be located a minimum of 30 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (2) Areas designated for group activities shall be located a minimum of 25 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (3) Facilities which serve a regional function shall not be permitted.

(t) Police/fire station.

- (1) All buildings shall be located a minimum of 30 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (2) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial

(u) Public service structures.

- (1) All structures shall be located a minimum of 15 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (2) All service drives shall be paved.

(v) Religious institutions.

- (1) All buildings shall be located a minimum of 30 feet from any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (2) An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
- (3) Outdoor recreational and play areas shall be located at least 25 feet from any lot zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (4) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial, or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(w) State-licensed residential facility

- (1) The facility shall serve no more than 16 persons.

Sec. 36-169. Use Specific Standards, Accessory

(a) Accessory dwelling units.

- (1) Accessory dwelling units shall only be permitted on single-family lots.
- (2) There shall be no more than one (1) accessory dwelling unit permitted per lot.
- (3) Occupancy of the single-family lot, including both the principal dwelling unit and the accessory dwelling unit, shall be limited to no more than one family and up to two persons who are boarders/roomers or reside in one of the dwelling units.
- (4) The initial construction of an accessory dwelling unit shall only occur on a property that is occupied by the property owner as their primary residence.
- (5) The accessory dwelling unit shall not be sold independently of the principal residential dwelling and may not be a separate tax parcel.
- (6) Accessory dwelling units that are attached to the principal dwelling unit shall be no more than 40% of the gross floor area of the single-family dwelling.
- (7) Accessory dwelling units that are detached from the principal residential structure shall comply with the regulations for accessory structures and must comply with the following additional requirements:
 - a. Detached accessory dwelling units shall be located a minimum of 15 feet from any rear lot line unless the rear lot line is adjacent to an alley, in which case it may be located five (5) feet from the rear lot line.
 - b. Detached accessory dwelling units located less than six (6) feet from the principal dwelling is subject to the same side yard as required for the principal dwelling. Detached accessory dwelling units located six (6) feet or more from the principal dwelling shall be located a minimum of five (5) feet from any side property line.

- c. Detached accessory dwelling units shall have a floor area greater than 200 square feet.
 - d. Balconies and decks above the ground floor shall not face an interior side yard or a rear yard not abutting an alley. Rooftop decks for an accessory dwelling unit shall not be allowed.
- (8) Accessory dwellings may not be used for short term rental purposes.
- (b) Accessory Dwelling Units affiliated with religious institution
- (1) The dwelling units/living quarters shall be on the same property as the Religious Institution.
 - (2) The dwelling units/living quarters shall at a minimum have access to on-site facilities for cooking, sleeping, and bathing.
 - (3) At least 12% of the lot area shall be developed as a designed outdoor recreation area.
 - (4) The persons living/staying on-site must be clergy, employees, or similarly associated with the Religious Institution.
 - (5) The residential density of the accessory dwelling units/living quarters shall not exceed the residential density that would otherwise be allowed on the property, and in no case shall it exceed 15 persons.
 - (6) The combined gross floor area of the accessory dwelling units/living quarters shall be less than the gross building area of the principal building and principal use.
 - (7) If the dwelling units/living quarters are not within the principal building:
 - a. The buildings shall be built on a permanent foundation and connected to city sanitary sewer and water.
 - b. The accessory dwelling units/living quarters shall be exempt from Section 36-162(d) regarding Accessory Structures.
 - c. The accessory building(s) shall be architecturally compatible with the principal building.
 - d. The accessory building(s) shall not be taller or otherwise larger in scale than the principal building.
 - (8) All required licenses or permits to establish and maintain the dwelling units/living quarters shall be obtained.
- (c) Accessory building.
- (1) Accessory buildings located less than six feet from a principal building on the same lot, measured from the nearest projection of each building, shall be considered part of the principal building and shall follow principal building standards.
 - (2) All accessory buildings, including accessory buildings 200 square feet or less in area, shall obtain a zoning or building permit prior to installation and must be anchored in a manner approved by the city.
 - (3) Location.

- a. Shall not be in the front yard but can be located within the back or side yard.
- b. Within the back yard, the following provisions shall be met:
 - 1. Accessory buildings shall be located a minimum of two feet from any lot line.
 - 2. Eaves, overhangs, gutters or other extensions from the roof shall be located a minimum of 16 inches from any property line abutting a right-of-way and two feet from all other property lines.
- c. Detached garages when located in the side yard must conform to the side yard requirements of the principal building.
- d. Accessory buildings on through lots shall be subject to the front and side yard requirements of the principal building if the accessory building is located within 60 feet of the rear lot line.

(4) Size.

- a. The total cumulative ground floor area of all accessory buildings on single-family lots and on non-conforming two-family lots in the N-1 and N-2 Districts shall not exceed the smaller of 800 square feet or 25 percent of the back yard. This provision shall not prohibit the construction of either a detached garage or a detached accessory dwelling unit, or a combination thereof, that is no greater than 576 square feet in area provided there are no other accessory buildings.
- b. Accessory buildings on conforming two-family lots in the N-1 and N-2 Districts:
 - 1. The total cumulative ground floor area of all accessory buildings shall not exceed 25 percent of the area between the principal structure and rear lot line.
 - 2. No single accessory building may exceed 800 square feet in total area and the cumulative area of all accessory buildings shall not exceed 1,200 square feet unless approved as a conditional use.
 - 3. The total cumulative ground floor area of all accessory buildings shall be smaller than the ground floor area of the principal building on the lot.

(5) Height.

- a. Accessory buildings - Shall not exceed 15 feet in height. The maximum height may be increased to 24 feet where the primary exterior materials of the accessory building match the primary exterior materials of the principal building and the roof pitch matches a roof pitch of the principal building, and provided the wall height shall not exceed 9 feet from the building ground floor to the highest top plate of the exterior non-gable end walls. Dormers are exempt from the height measurement if the combined width of the dormers is less than 50% of the side of the building they are located on.
- b. Accessory structures shall not exceed 15 feet in height.
- c. The height of all accessory buildings and structures shall be lower than the highest roof line of the principal building.

(6) Design.

- a. All detached garages and other accessory buildings shall be compatible in design and materials to the principal building on the parcel.
 - b. No plumbing for kitchen or bathroom facilities (including but not limited to toilets and showers) is allowed in any detached garage or other accessory building unless it is determined to be an accessory dwelling unit. Hose bibs and utility sinks are allowed.
 - c. Floor drains in garages and other accessory buildings must be connected to sanitary sewer as approved by the city.
 - d. Windows, doors, and similar openings may be located in the second story of an accessory building if the wall or dormer in which it is located faces a lot line that abuts a public right-of-way or is at least 15 feet from any property that is zoned residential and used or subdivided for residential use.
 - e. Accessory buildings used for dwelling purposes shall also comply with the regulations set forth for accessory dwelling units above.
- (7) Garages below grade level. Where the natural grade of a lot at the building line of a house is eight feet or more above the established curb level, a private garage may be erected within any yard provided one-half or more of its height is below grade level and it is located a minimum of ten feet from any street line and five feet from any side lot line.
- (d) Adult day care in a religious institution, community center, or nursing home
 - (1) There shall be at least 150 square feet of outdoor sitting and exercise area per person under care at peak periods.
 - (e) Boarders or roomers
 - (1) Up to two boarders or roomers shall be allowed per resident family provided the living area for the boarders/roomers is within the principal building and does not constitute a separate dwelling unit.
 - (f) Catering
 - (1) Allowed only as accessory to community centers, educational (academic) facilities, country clubs, and religious institutions.
 - (2) Vehicles used to receive and/or deliver food shall not be stored outside.
 - (g) Community garden
 - (1) Allowed only as accessory to community centers, educational (academic) facilities, country clubs, and religious institutions.
 - (h) Family day care facilities serving 14 or fewer persons
 - (1) Only one employee who does not live within the dwelling unit is allowed.
 - (i) Group day care/nursery school in a religious institution, community center, or educational (academic) institution.
 - (1) At least 40 square feet of outside play space per pupil is provided.
 - (2) The outside play space shall be enclosed with a fence.

- (3) The outside play area shall be located a minimum of 200 feet from any roadway defined on the comprehensive plan as a principal arterial.
- (j) Helistops.
 - (1) Helistops shall be used exclusively in connection with a hospital and is subordinate to the hospital in area, extent, and purpose.
 - (2) The helicopter pad must be dust free and screened from view and takeoff and landings shall not be over residential areas.
 - (3) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., excluding emergency operations.
- (k) Home occupation.
 - (1) See section 36-83.
- (l) Living quarters of persons employed for domestic or medical purposes
 - (1) The living area for the domestic/medical household staff shall be within the principal building and does not constitute a separate dwelling unit.
- (m) Mikvah pools
 - (1) Shall be allowed within an occupied single family dwelling unit if there are three additional off-street parking spaces.
 - (2) Shall be accessory to a religious institution.
- (n) Parking ramps.
 - (1) The height of any parking ramp located within 200 feet of any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers may not penetrate the height of a line commencing at and perpendicular to said parcel line and extending upward and away from said parcel at a slope of five horizontal feet for each vertical foot.
 - (2) The minimum required yard for any parking ramp located within 200 feet of any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers shall be 50 feet.
 - (3) The parking ramp shall be screened from view from any abutting property located within an N district. The screening shall include a six-foot berm where the parking ramp is above ground.
 - (4) If the parking ramp is located within 400 feet of any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within said parcel ten feet lower than the maximum structure height of that use at a distance of 400 feet from the wall of the parking ramp nearest to said parcel.
- (o) Private swimming pool, whirlpool, or sauna

- (1) Shall only be permitted in the backyard and side yards.
- (2) Shall be a minimum of five feet from the rear lot line.
- (3) Shall meet the same side yards as required for the principal building.
- (4) A six-foot privacy fence shall be required to screen the portion of the swimming pool, whirlpool, or sauna located within 25 feet of the rear lot line.
- (5) Private swimming pools shall be in conformance with [section 36-73](#);
- (6) A pool house building shall be in conformance with the following conditions:
 - a. Property must have an in-ground swimming pool that is larger in area than the pool house building.
 - b. The pool house cannot exceed 400 square feet in area and one story in height.
 - c. Notwithstanding [section 36-162](#), the pool house must meet all principal building yard requirements.
 - d. The building design and materials shall be consistent with the principal building.
 - e. The building may include a bathroom but shall not include kitchen facilities.
 - f. The building cannot be designed or used as a dwelling unit or for any business use.
- (p) Private sport court
 - (1) Shall be permitted in the backyard and side yards only
 - (2) Shall be a minimum of five feet from the rear lot line.
 - (3) Shall meet the same side yards as required for the principal building.
 - (4) A six-foot privacy fence shall be required to screen the portion of the sport court located within 25 feet of the rear lot line.
 - (5) Tennis courts shall be in conformance with [section 36-73 of city code](#)
- (q) Supportive commercial use.
 - (1) Shall not exceed ten percent of the gross floor area of the development.

Sec. 36-170. – 36-190. Reserved