

CITY OF FALCON HEIGHTS
City Council & Planning Commission Joint Workshop
City Hall
2077 West Larpenteur Avenue

AGENDA - AMENDED
Wednesday, August 7, 2024
6:30 P.M.

A. CALL TO ORDER:

B. ROLL CALL:

GUSTAFSON	✓	LEEHY	✓
MEYER	✓	MIELKE	✓
		WASSENBERG	✓
WILSON	✓	PAYNTER	A
BROOKS	✓	TRACY	✓
MOGEN	✓	SEIFERT	✓
ANDERSON	A		

STAFF PRESENT: LINEHAN ✓ LYNCH ✓ VAN DER WERFF ✓

C. POLICY ITEMS:

1. City Code Updates
2. Community Park Discussion
3. Future Agenda Items
4. **Tenant Remedies Act**

D/9773 8:05/12

D. ADJOURNMENT:

Wassenberg 3-0

DISCLAIMER: City Council Workshops are held monthly as an opportunity for Council Members to discuss policy topics in greater detail prior to a formal meeting where a public hearing may be held and/or action may be taken. Members of the public that would like to make a comment or ask questions about an item on the agenda for an upcoming workshop should send them to mail@falconheights.org prior to the meeting. Alternatively, time is regularly allotted for public comment during Regular City Council Meetings (typically 2nd and 4th Wednesdays) during the Community Forum.

Meeting Date	August 7, 2024
Agenda Item	C-1
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	City Code Updates
Description	<p>The City Code frequently needs updates as issues are raised and code is enforced by Staff. Staff and the Planning Commission have drafted potential updates to City Code regarding accessory dwelling units and parking minimums for review and discussion by City Council.</p> <p>Changes of Note Include:</p> <ul style="list-style-type: none"> • Addition of the accessory dwelling units <ul style="list-style-type: none"> ○ Permitted on a lot with a single-family residence ○ Either ADU or SFR needs to be inhabited by the property owner ○ No more than one ADU permitted on a property ○ Not required to have additional parking outside of what is required for a SFR ○ Can be located in a separate building, in the SFR, or in a garage ○ Home occupations can take place in an ADU ○ If renting the ADU, must comply with all rental housing regulations as listed in Building chapter of City Code • Parking Minimums <ul style="list-style-type: none"> ○ Multifamily properties - Changed to one parking space per unit, and 1.5 spaces per multifamily dwelling unit with ten or less spaces that abut no street parking • Trash Cans - Currently City Code states they cannot be seen from the road. Updated to state they can be placed behind the front line of the home. This would allow them to be seen from the street. After a review of the city, probably 80% of the city is in violation of the current requirement. • Fall-out shelters and guesthouses removed from City Code. • Updated building chapter to include ADU permitting requirements for rentals and for vacant structures
Budget Impact	None.

Chapter 113 - ZONING¹

Article/Division/Section:

ARTICLE I	IN GENERAL
113-1	Purpose and intent
113-2	Chapter cumulative
113-3	Definitions
113-4	Application and interpretation
113-5	Nonconforming uses, buildings and structures
113-6	Lot provisions
113-7 – 113-30	<i>Reserved</i>
ARTICLE II	ADMINISTRATION AND ENFORCEMENT
DIVISION 1	GENERALLY
113-31	Enforcement; violations; penalties
113-32	Zoning administrator
113-33	Conformity of building plan to regulations
113-34	Payment of city expenses
113-35	Amendments
113-36	Fees and costs
113-37 – 113-60	<i>Reserved</i>
DIVISION 2	APPEALS AND VARIANCES
113-61	Board of adjustments and appeals
113-62	Variances
113-63 – 113-82	<i>Reserved</i>
DIVISION 3	CONDITIONAL USE PERMITS
113-83	Purpose and public policy
113-84	Application; information required
113-85	Hearing; development standards
113-86	Action
113-87	Violations; termination
113-88	Performance bond
113-89 – 113-119	<i>Reserved</i>
DIVISION 4	INTERIM USE PERMITS
113-120	Purpose and intent
113-121	Procedure
113-122	General standards; termination
113-123 – 113-142	<i>Reserved</i>
ARTICLE III	ZONING DISTRICTS ESTABLISHED; ZONING MAP
113-143	Districts
113-144	Zoning district map
113-145	Annexed territory

- 113-247 Mining
- 113-248 Firewood storage
- 113-249 Manufactured homes
- 113-250 Private automobile repair and reconditioning
- 113-251 Vehicle sales
- 113-252 Drive-through facilities
- 113-253 Mobile storage structures
- 113-254 Solar energy systems
- 113-255 – 113-280 *Reserved*
- DIVISION 2 OFF-STREET PARKING AND LOADING**
- Subdivision I In General**
- 113-281 – 113-308 *Reserved*
- Subdivision II Off-Street Parking**
- 113-309 Scope and purpose
- 113-310 Residential districts
- 113-311 Surfacing and drainage
- 113-312 Location
- 113-313 Underground parking credits
- 113-314 Miscellaneous provisions
- 113-315 Design and maintenance of off-street parking areas
- 113-316 – 113-333 *Reserved*
- Subdivision III Off-Street Loading**
- 113-334 Location
- 113-335 Size
- 113-336 Street access
- 113-337 Accessory use
- 113-338 Alterations
- 113-339 Schools
- 113-340 Repair and service
- 113-341 Utilization
- 113-342 Central loading
- 113-343 Minimum facilities
- 113-344 Business districts
- 113-345 Other zoning districts
- 113-346 Temporary use permit
- 113-347 Use by taxi, bus
- 113-348 – 113-367 *Reserved*
- DIVISION 3 DESIGN AND PERFORMANCE STANDARDS**
- 113-368 Minimum standards
- 113-369 The principal building

- 113-416 Permits
- 113-417 Periodic inspection
- 113-418 Height abovegrade level
- 113-419 General setback requirements
- 113-420 Painting requirement
- 113-421 Required marking on sign
- 113-422 Removal of obsolete and nonconforming signs
- 113-423 Unsafe and unlawful signs
- 113-424 Obstruction of fire escapes
- 113-425 Conformity with zoning and building codes
- 113-426 Nonconforming signs – Compliance
- 113-427 – 113-448 *Reserved*

DIVISION 2 RESTRICTIONS BY ZONING DISTRICTS

- 113-449 Signs permitted in residential districts
- 113-450 Business districts
- 113-451 – 113-468 *Reserved*

DIVISION 3 RESTRICTIONS ON SPECIFIC TYPES OF SIGNS

- 113-469 Signs as traffic hazards
- 113-470 Certain signs prohibited
- 113-471 Illuminated sign restrictions
- 113-472 Signs in public right-of-way
- 113-473 Flashing signs
- 113-474 Temporary and election signs
- 113-475 Service station signs
- 113-476 Real estate signs
- 113-477 Private traffic signs
- 113-478 Vacant lots
- 113-479 Rooftop displays and aerial searchlights
- 113-480 Signs on windows and doors
- 113-481 Ground signs
- 113-482 Moving or revolving signs (motion signs)
- 113-483 Wall signs
- 113-484 Signs painted on walls
- 113-485 Projecting signs
- 113-486 Electric signs
- 113-487 Construction signs
- 113-488 Roof signs
- 113-489 Advertising signs
- 113-490 Multifaced signs
- 113-491 Large signs

- (10) Provide adequate privacy;
- (11) Provide protection against fire, explosions, obnoxious fumes, and other hazards in the interest of public health, safety and comfort;
- (12) Prevent environmental pollution;
- (13) Prevent the destruction or improvident exploitation of community resources;
- (14) Preserve the value of land and buildings throughout the city;
- (15) Provide for the gradual elimination of those uses of land, buildings, structures, and improvements, and of those buildings, structures and improvements, which do not conform to the standards for the areas in which they are located and which may adversely affect the development and the value of property in such areas;
- (16) Provide for the regulation and control of such nonconforming buildings, structures, or improvements and uses of land as is necessary or appropriate for the rehabilitation of the areas blighted thereby;
- (17) Provide for the enforcement of this chapter, to define and limit the powers and duties of the administrative officers and agencies responsible therefor, and to provide penalties for the violation of the provisions herein contained;
- (18) Provide for the wise use and conservation of energy resources; and
- (19) Assist in the implementation of the comprehensive city plan.

(Code 1993, § 9-1.01)

State Law reference – General purposes of zoning, Minn. Stats. § 462.357, subd. 1.

Sec. 113-2 - Chapter cumulative

- (a) *No consent or permit implied.* Nothing contained in this chapter shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure, facility, improvement or to carry on any trade, industry, occupation or activity.
- (b) *Provisions cumulative.* Except as herein provided, the provisions of this chapter are cumulative, both with respect to the provisions herein contained and with respect to other laws and ordinances, not in effect or hereafter ordained or enacted, governing the same subject matters as this chapter. It is noted, however, that the land use districts are mutually exclusive in that uses permitted include only those listed and are not cumulative from district to district. Land uses not listed as permitted are prohibited.

(Code 1993, § 9-1.02(1))

Sec. 113-3 - 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:

least ten percent of the units are reserved for persons whose income is no more than 150 percent of the median for the Twin Cities metropolitan area.

Agricultural building means a structure on agricultural land as defined in "farm, rural" of this section designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sublessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.

Agriculture. See Farm, rural (agriculture) and Farm, suburban (agriculture).

Alley means public right-of-way giving secondary access to abutting property.

Amusement devices means any game of skill or chance requiring the payment of money to play or operate.

Amusement establishment means any building, area, or place whose principal purpose is providing entertainment derived from the operation of amusement devices.

Animal unit means a unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

Animals, domestic pets means dogs, cats, birds, and similar animals commonly kept in a residence. Animals considered wild, exotic or nondomestic, such as bears, lions, wolves, ocelots, and similar animals shall not be considered domestic pets.

Animals, farm, means cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food-producing purposes.

Antenna means equipment used for transmitting or receiving telecommunication, television, or radio signals, or other electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes and omni-directional antennas, such as whip antennas.

Antenna, commercial means any pole, spire or structure, or any combination, to which an antenna is, or could be, attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces erected for the commercial use of information.

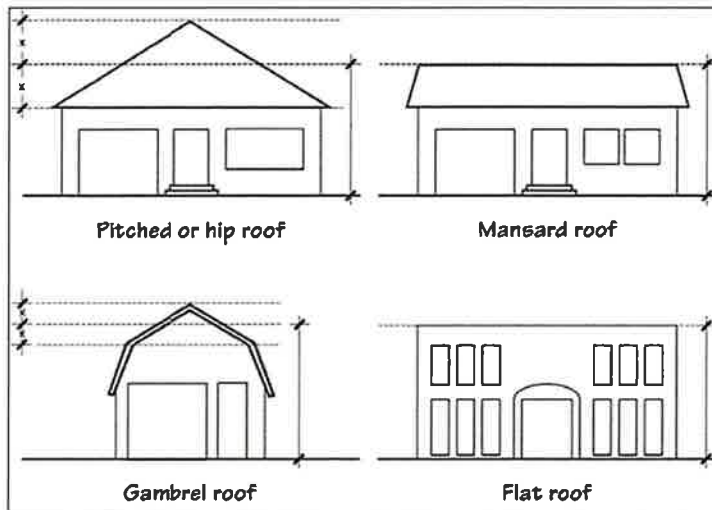
Antenna, satellite dish means a parabolic-shaped antenna (including all supporting apparatus) used for receiving television signals, which is located on the ground or exterior of, or outside of, any building or structure.

Apartment means a room or suite of rooms with cooking facilities designed to be occupied as a residence by a single family.

Apartment building. The term "apartment building" means a multifamily dwelling that may be owner occupied or rental, including condominiums and cooperatives.

Apparel and accessory stores means retail stores primarily engaged in selling new clothing, shoes, hats, underwear, and related articles for personal wear and adornment. Uniform stores, furriers, and custom tailors carrying stocks of materials are included.

Applicant means any individual, partnership, corporation, association, society or group seeking and/or receiving a special event permit from the city.



Middle line on images for pitched/hip and gambrel roofs denotes mean distance. Image for reference only. Refer to city Code for complete definition.

Building official means the officer or other designated authority, certified by the state, charged with the administration and enforcement of the Minnesota State Building Code, or his or her duly authorized representative.

Building setback means the minimum horizontal distance between the building and the lot line.

Building setback line means a line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, or a high water mark or line, behind which buildings or structures must be placed.

Business means any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

Cable and other pay television services means establishments primarily engaged in the dissemination of visual and textual television programs, on a subscription or fee basis. Establishments which are primarily engaged in cable casting and which also produce taped program materials are included.

Carport means an automobile shelter having one or more sides open.

Cellar means that portion of the building having more than one-half of the clear floor-to-ceiling height below the average grade of the adjoining ground. Underground buildings that meet all other requirements of the building code shall not be considered cellars.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Club or lodge means a nonprofit association of persons who are bona fide members paying annual dues, and the use of their premises being restricted to members and their guests. Serving

Council means the governing body of the City of Falcon Heights, Minnesota.

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

Dance studios, schools and halls means establishments primarily engaged in operating dance studios, schools, and public halls or ballrooms.

Depth of lot means the horizontal distance between the frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.

Depth of rear yard means the horizontal distance between the rear building line and the rear lot line.

Development means any manmade change to real estate, including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls, or fences, drilling, mining, filling, dredging, and storage of materials.

Disposal area, on-site sewage treatment means that ground within the confines of the lot that does not contain buildings and has an elevation of at least 80 inches above the highest known or calculated water table or bedrock formation; does not slope in excess of 13 percent; and meets the requirements of permeability as determined by the rate of water percolation in the soil.

Dredging means the process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

Drinking establishments, bars and taverns means establishments primarily engaged in the retail sale of alcoholic drinks, such as beer, ale, wine, and liquor, for consumption on the premises.

Drive-in means any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile's occupants is offered regardless of whether service is also provided within a building. This shall include, but not necessarily be limited to, the following: car and truck wash, drive-in banking, restaurants where some or all customers may consume their food and/or beverages in an automobile, restaurants providing carryout or delivery service, service stations, parcel pick-up, and similar uses.

Drive-through facility means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use in combination with a bank of financial institution. A drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

Drugstores/pharmacies means establishments engaged in the retail sale of prescription drugs, proprietary drugs, and nonprescription medicines, and which may also carry a number of

Electric vehicle means any vehicle that operates either partially or exclusively on electrical energy from an off-board source that is stored on board.

Electric vehicle charger means battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric vehicle charger-private means an electric vehicle charger with restricted access to the public.

Electric vehicle charger-public means an electric vehicle charger that is publicly available or available to visitors of the primary use.

Electric vehicle supply equipment means any equipment or electric component used in charging electric vehicles at a specific location.

Engineer means the City Engineer of Falcon Heights.

Essential services (governmental uses, building, and storage) means governmental services such as office buildings, garages, temporary open space, open storage when not the principal use, fire and police stations, recreational areas, training centers, correctional facilities, or other essential uses proposed by federal, state, county, local, special districts, and school districts, except that schools shall not be permitted under this provision.

Essential services (public utility uses) means underground or overhead gas, electrical, steam, or water distribution systems, collection, communication, supply, or disposal system including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories; but not including buildings or transmission services.

Essential services (public utility uses, transmission services, buildings and storage) means transmission service such as electrical power lines of a voltage of 35 kv or greater, or bulk gas or fuel being transferred from station to station and not intended for en route consumption or other similar equipment and accessories.

Exterior storage (includes open storage) means the storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

Family means an individual, or two or more persons each related by blood, marriage, domestic partnership, adoption, or foster care arrangement living together as a single housekeeping unit, or group of not more than four persons not so related, maintaining a common household. ~~exclusive of servants.~~

Farm, rural (agriculture) means a rural farm is a commercial food-producing use on ten or more contiguous acres and as defined under a portion of the Minnesota Agricultural Property Tax Law (Minn. Stats. § 273.111).

Farm, suburban (agriculture) means a suburban farm is a noncommercial food-producing use primarily intended for the use of the residents, and usually on less than ten contiguous acres.

Floor area gross means the sum of the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a story.

Floor area ratio means the numerical value obtained through dividing the gross floor area of a building by the net area of the lot or parcel of land on which such building are located.

Floor plan, general, means a graphic representation of the anticipated use of the floor area within a building or structure.

Florists means establishments primarily engaged in the retail sale of cut flowers and growing plants. This excludes retail nurseries and lawn and garden supply stores.

Food stores means retail stores primarily engaged in selling food for home preparation and consumption. Included are grocery and convenience food stores, meat and fish markets, fruit and vegetable markets, candy, nut, and confectionery stores, dairy products stores, retail bakeries, retail coffee stores, spice and herb stores, retail water and mineral water stores, and vitamin food stores.

Footing means the foundation below frost line as prescribed by the building code.

Frontage means that boundary of a lot that abuts a public street or private road.

Fuel dealers means establishments primarily engaged in the retail sale of fuel oil, liquefied petroleum gas (bottle gas), and coal and wood dealers.

Garage, private, means a detached ~~one-story~~ accessory building or portion of the principal building, including a carport, which is used primarily for the storing of passenger vehicles, trailers, recreational vehicles or farm trucks.

Garage, public, means a building or portion of a building, where vehicles are kept for remuneration or hire and in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Garment pressing, and agents for laundries and dry cleaners means establishments primarily engaged in providing laundry and dry cleaning services but which have the laundry and dry cleaning work done by others. Establishments in this industry may do their own pressing, finishing work, alterations and incidental repairs.

Governing body means the city council of the City of Falcon Heights, Minnesota.

Group home, large, means a state licensed residential facility serving from seven through 16 persons or a licensed day care facility serving from 13 through 16 persons.

Gun shop means a building or a portion of a building occupied by a firearms dealer that has devoted some portion of its floor area to the sale of firearms or ammunition.

Hardware stores means establishments primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and cutlery.

Health care, offices and clinics means establishments of health practitioners engaged in furnishing medical, surgical and other health services to persons, but does not include inpatient health care services. Included are individual practitioners, group clinics in which a group of practitioners are associated for the purpose of carrying on their profession, and clinic which

Laundromats, self-serve, means establishments primarily engaged in the operation of coin-operated or similar self-service laundry and dry cleaning equipment for use on the premises, or in apartments, dormitories, and similar locations.

Laundry and garment services means establishments primarily engaged in furnishing laundry and garment services such as the repair, alteration, and storage of clothes for individuals and for the operation of hand laundries. Included are diaper services and dressmaking services.

Loading space means a space, accessible from a street, alley, or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

Lodging room means a room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

Lot means a parcel of land designated by metes and bounds, registered land survey, plat, or other means, and which description is either recorded in the office of the county recorder or registrar of titles or used by the county treasurer or county assessor to separate such parcel from other lands for tax purposes. The word "lot" shall include the words "piece," "parcel," and "plots;" the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

Lot area means the area of the horizontal plane within the lot lines.

Lot area, minimum per dwelling unit means the minimum number of square feet or acres of lot area required per dwelling unit.

Lot, buildable, means a lot which meets or exceeds all requirements of the city land use and development ordinances without the necessity variances.

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

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

Lot, interior, means a lot other than a corner lot, including through lots.

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

Lot line, front, means that boundary of a lot which abuts a public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a nonresidential area, the lot shall be deemed to have frontage on both streets.

Lot line, rear, means that boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be 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 any boundary of a lot which is not a front lot line or a rear lot line.

Miscellaneous retail establishments means retail establishments which fall into the following categories: drugstores, liquor stores, used merchandise stores (including antiques), miscellaneous shopping goods stores (sporting goods and bicycles, books, stationary, jewelry, hobby and toys, camera and photographic supplies, gift and novelty, luggage and leather, and sewing), nonstore retailers (catalog and mail order houses, automatic merchandising machine operators, and direct selling establishments), florists, tobacco stores and stands, news dealers and newsstands, optical goods stores and other miscellaneous retail establishments.

Mobile home means a single-family detached dwelling unit designed for year-round occupancy, constructed at a factory or assembly plant and drawn to the site on a permanently attached undercarriage and wheels. "Mobile home" shall not include "trailer (recreational vehicle)" nor shall it include modular or prefabricated dwelling units which meet or exceed the requirements of the Minnesota Building Code.

Mobile home park means any site or tract of land designed, maintained or intended for the placement of two or more occupied mobile homes. "Mobile home park" shall include any building, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.

Mobile storage structures means any assembly of materials which is so designed, constructed or reconstructed to make it portable and capable of movement from one site to another, designed to be used without a permanent foundation, designed with the purpose of storing tangible property and not for occupancy by persons.

Modular or prefabricated home means a nonmobile dwelling unit for year-round building site where final installations are made permanently affixing the dwelling unit to the site. Said dwelling unit shall be equivalent to a unit constructed on the site, meeting all requirements of the Minnesota Building Code. The term includes "manufactured" homes built in conformance to Minn. Stats. §§ 327.31—327.33.

Motion picture theaters means commercially operated theaters primarily engaged in the indoor exhibition of motion pictures.

Motor courts, motor hotel or motel means a building or group of buildings other than a hotel used primarily as a temporary residence of a motorist.

Municipality means the City of Falcon Heights.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (flood insurance rate map) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nit means a unit of measurement for luminance. The total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter).

establishments may sell primarily to construction contractors, they are known as retail in the trade. Establishments which do not sell to the general public or who are known in the trade as wholesale are excluded.

Parking space means a suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

Pawn shop, defined but not allowed in any district. A business which loans money on deposit or pledge of personal property, or other valuable thing, or which deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or which loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged.

Pedestrian way means a public or private right-of-way across or within a block or tract, to be used by pedestrians.

Performance standards means the minimum development standards as adopted by the governing body and on file in the office of the zoning administrator.

Person means any person, association, partnership, firm, business trust, corporation or company.

Personal wireless services means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services.

Photocopying and duplicating services means establishments primarily engaged in reproducing text, drawings, plans, maps, or other copy, by blueprinting, photocopying, mimeographing, or other methods of duplication other than printing or microfilming.

Photographic studios, portrait, means establishments primarily engaged in still or video portrait photography for the general public.

Photovoltaic system means an active solar energy system that converts solar energy directly into electricity.

Planning commission means the duly appointed planning commission of the city.

Porch means a roofed, open area attached to a building with direct access to and from the building to which it is attached.

Precious metal dealer means any person, who, either as principal or agent, engages in the business of buying coins or secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects; excluding businesses which deal only in coins and not other precious metals.

Precious metal item means an item made in whole or in part of metal and containing more than one percent by weight of silver, gold or platinum.

Precious metals means silver, gold, and platinum.

Principal structure or use means one which determines the predominant use as contrasted to accessory use or structure.

Proprietary school means any private business, trade, or correspondence school operated for a profit or charging tuition that is licensed by the state under Minn. Stats. ch. 141.

Roadside sales stand means a structure used only for the display and sale of products with no space for customers within the structure, on a seasonal basis.

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

Sadomasochistic abuse means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

Sale, garage, means a sale of used household and personal items conducted on residential premises, where the property sold consists of items owned by the occupant of the premises at which the sale takes place, or by friends of such occupant, and where the sale is conducted by such occupant or friends. Items for sale shall not have been purchased for resale or received on consignment for the purpose of resale.

Sale, residential boutique means the sale of handcrafted items conducted on residential premises, where the items sold are made by the occupant of the premises at which the sale takes place, or by friends of such occupant, and where the sale is conducted by said occupant or friends of such occupant. Items for sale shall be made in the home and not purchased for resale from any retail or wholesale business source nor received on consignment for the purpose of resale.

Sale, sidewalk, means the selling of goods by a business proprietor just outside of the public customer entrance of the proprietor's business where the merchandise sold outside is similar to what is ordinarily sold inside the abutting business and the sales are managed and operated by the abutting business proprietor.

School means a building used for the purpose of elementary, middle (junior high) or secondary (high school) education, public or private, which meets all the requirements of compulsory education laws of the state.

School (proprietary) means any private business, trade or correspondence operated for a profit or charging tuition that is licensed by the state under Minn. Stats. ch. 141.

Screening means earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, as to block direct visual access to an object throughout the year. Approval by the city council of all site and construction plans prior to development of construction or installation of any screening is required.

Secondhand goods store means any store engaged in the business of selling or receiving tangible personal property which has been previously used, rented, owned or leased, but excluding stores which engage in the sale of any used: automobiles; electronic equipment such as stereos, cameras, computers, televisions, audio and video equipment, and similar equipment or appliances; jewelry and precious gems; or guns. Stores which engage in any pawning activity whatsoever fall within the definition of "pawn shop" and shall not be included within the definition of "secondhand goods store."

- (7) *Sign, ground.* A sign which is supported by one or more uprights, poles, or braces in or upon the ground.
- (8) *Sign, identification.* A sign which identifies the inhabitant of the dwelling or occupant of a building.
- (9) *Sign, illuminated.* A sign which is lighted with an artificial light source.
- (10) *Sign, motion.* A sign that has moving parts or signs which produce moving effects through the use of illumination.
- (11) *Sign, nameplate.* A sign which states the name and/or address of the business, industry, or occupant of the site and is attached to said building or site.
- (12) *Sign, pedestal.* A ground sign usually erected on one central shaft or post which is solidly affixed to the ground.
- (13) *Sign, permanent.* Any sign on a lot or parcel of land more than 365 consecutive days.
- (14) *Sign, real estate.* A sign offering property (land and/or buildings) for sale, lease, or rent.
- (15) *Sign, roof.* A sign erected upon or above a roof or parapet of a building.
- (16) *Sign, shopping center or industrial park.* A business sign designating a group of shops or offices (more than three).
- (17) *Sign, structure.* The supports, uprights, braces, and framework of the sign.
- (18) *Sign, temporary or seasonal.* A sign placed on a lot or parcel of land for a period not to exceed 90 days out of any 12-month period.
- (19) *Sign, wall.* A sign attached to or erected against the wall of a building with the exposed face of the sign a plane parallel to the plane of said wall.
- (20) *Sign, warning.* A sign which warns the public of a danger, or hazard in the immediate vicinity and is obviously not intended for advertising purposes.

Solar means rays from the sun.

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

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

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

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

- (2) Any event conducted on the campus of the University of Minnesota or the grounds of the Minnesota State Fair;
- (3) Special events or activities sponsored by the city;
- (4) Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings, wedding receptions, funerals and funeral processions;
- (5) Garage sales and residential boutique sales as regulated in section 113-174;
- (6) Block parties and neighborhood meetings;
- (7) Any event attended by fewer than 150 persons at one time which does not require any special services and does not involve the sale of alcohol;
- (8) Any event that is otherwise regulated by the city through the use of another regulatory manner, such as an interim use permit or conditional use permit; and
- (9) The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.

Special flood hazard area means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the FHBM (Flood Hazard Boundary Map). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, zone A usually is refined into zones A, AO, AH, A1—30, AE, A99, AR, AR/A1—30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1—30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Special services means the exclusive allocation of city resources, including, but not limited to, city personnel, equipment, rights-of-way, property or facilities for use in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of any person attending the event, or deemed necessary by city staff in order to maintain public safety. Special services shall include, but not be limited to, any of the following: street closures; requiring police officers to stop or reroute traffic; special police protection; stationing emergency vehicles at or in the immediate vicinity of the event; exclusive use of city streets as a staging area or for event parking; additional street cleaning and garbage removal services; special signage, such as temporary no parking signs; the use of any city building, equipment or other property for any purpose other than the normal daily operations of the city; or the city otherwise providing exclusive services.

Story (floor) means that portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story and a cellar shall not be counted as a story. For purposes of this chapter, a story shall also include each multiple of 12 feet between the ground and eave.

Street means a public right-of-way that affords a primary means of access to abutting property.

Intoxicating liquors may be sold on-sale and live entertainment and/or dancing shall be permitted.

Swimming pool means any enclosure in ground or above ground on private property having a water surface area exceeding 100 square feet and a water depth of not less than 1½ feet.

Tanning salons means establishments primarily engaged in providing tanning services to the public through the use of tanning beds, and other tanning equipment.

Tavern or bar means a building with facilities for the serving of beer, wine, set-ups and other alcoholic beverages and may include short order foods.

Television broadcasting stations means establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational, and other television stations. Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials.

Therapeutic massage enterprise means a person who operates a business which hires only certified therapeutic massage therapists to provide therapeutic massage to the public. The owner/operator of a therapeutic massage enterprise need not be certified as a therapeutic massage therapist if he or she does not at anytime practice or administer massage to the public.

Tower means any ground- or roof-mounted pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus abovegrade.

Tower, multi-user means a tower that is designed to accommodate the antennas of more than one telecommunications provider, personal wireless service provider or governmental entity.

Tower site means a location on which is or may be located one or more telecommunication radio or television antennas available for connection and use by any person, firm or corporation.

Transportation terminal means truck, taxi, air, bus, train, and mass transit terminal and storage area, including motor freight (solid and liquid) terminal.

Truck stop means a motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities.

Urban farm means the production, distribution and sale of food, excluding the production of poultry, livestock and bees.

Variance means a modification or variation of the strict provisions of this chapter, as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship or particular difficulty imposed upon the property by this chapter. A variance shall normally be limited to height, bulk, density, and yard requirements. A modification in the allowable uses within a district shall not be considered a variance.

Vehicle repair means general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, framework, welding and major painting services.

Veterinary means those uses concerned with the diagnosis, treatment and medical care of animals, including animal or pet hospitals.

(Code 1993, § 9-2.01)

Sec. 113-5 - Nonconforming uses, buildings and structures

- (a) *Nonconformities* . Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as specifically provided in this chapter, unless:
- (1) The nonconformity or occupancy is discontinued for a period of more than one year;
or
 - (2) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

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

- (b) *Unlawful use, buildings, and structures*. No unlawful use of property existing on the effective date of the ordinance from which this chapter is derived nor any building or structure which is unlawfully existing on such day shall be deemed a nonconforming use or a nonconforming building or structure.
- (c) *Nonconforming structures under construction*. Any nonconforming structure that is ready for or under construction on the effective date of the ordinance from which this chapter is derived may be completed and occupied in accordance with the requirements of any valid building permit issued therefor prior to such effective date.
- (d) *Change from one nonconforming use to another*. A nonconforming use may be changed only to a use permitted in the district in which it is located; except that if no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restrictive classification, and provided such change is approved by the city council. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use, all or partially conducted in a building or buildings, may be changed to another nonconforming use only upon determination by the city council, after a public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace and that there is no conforming use available for the building or buildings. In determining relative "detriment," the planning commission shall take into consideration, among other things, traffic-generated, nuisance characteristics, such as emission of noise, dust, and smoke; fire hazard; and hours and manner of operation.
- (e) *Additions and enlargements*.
- (1) *Conforming use*. A nonconforming building or structure for a conforming use may be expanded provided that the expansion does not increase the nonconformity of the building or structure and is in compliance with other Code requirements.

the city harmless from any loss or damage by reason of improper or inadequate work performed by the holder of said license under the provisions of this chapter. In addition, the bond shall set forth that the site will be cleaned up and that all rubbish, material, extra fill, dirt, debris and leftover materials shall be removed within 15 days after the building is moved on to the site.

- e. Deposit with the zoning administrator a copy of a certificate of insurance indicating that the petitioner has sufficient insurance to protect the municipality and public from any and all damage that may result either directly or indirectly from the moving of said building.
- (2) *Building inspection.* Upon receipt of the application, the zoning administrator shall inform the building inspector who shall inspect the building and be reimbursed for time and travel involved in making such inspection.
- (3) *Site alterations.* The city engineer shall determine whether or not drainage of the new site is feasible and available and in connection therewith may require any appurtenances or new installations all of which shall be at petitioner's expense.
- (4) *Review of application; approval requirements.* The city council shall review the application and grant the permit if all of the foregoing requirements have been met and so long as the council is satisfied that:
 - a. The building is not too large to move without endangering persons or property in the city;
 - b. The building is not in such a state of deterioration or disrepair or is otherwise structurally so unsafe that it could not be moved without endangering persons and/or property in the city;
 - c. The building is not structurally unsafe or unfit for the purpose for which it is being moved into the city.

(Code 1993, § 9-2.02; Ord. No. 0-89-9, 5-9-1989; Ord. No. 05-03, §§ 1—3, 6-8-2005)

State Law reference – Nonconformities, Minn. Stats. § 462.357, subds. 1c, 1e.

Sec. 113-6 - Lot provisions

- (a) *Use of nonconforming lots.* A lot of record existing upon the effective date of the ordinance from which this chapter is derived, which does not meet the requirements of this chapter as to area or width, but which meets all other chapter requirements, may be utilized for single-family detached dwelling purposes provided it is zoned residential and the measurements of such area or width are within 66 2/3 percent of the requirements of this chapter, but said lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this chapter.
- (b) *Building restriction.* Except in the case of planned unit developments (PUDs) as provided for hereinafter, not more than one principal building shall be located on a lot.

(Code 1993, § 9-2.03; Ord. No. 99-05, § 1, 8-25-1999)

- (3) Issue such other permits as are required by this chapter upon the determination thereof by the proper authority;
 - (4) Issue certificates of occupancy;
 - (5) Keep and maintain a permanent record of this chapter, to enter upon such record all amendments thereof, to provide for public inspection thereof at all times, and pursuant to the determination of the council to provide for the distribution or sale thereof;
 - (6) Keep secure the official land use map and the official zoning map and to make amendments thereof or additions thereto upon adoption thereof, to provide for public inspection thereof during official business hours of the city and pursuant to the determination of the council to provide for the distribution or sale thereof;
 - (7) Maintain all city plans (comprehensive municipal or guide plan and others) in an up-to-date condition;
 - (8) Assign conditional and other permit numbers to all land uses in the city which are automatically granted a permit upon enactment of the ordinance from which this chapter is derived; this may be done at such time as existing land uses change, alter, expand, construct, move or otherwise require an amendment due to change following enactment of the ordinance from which this chapter is derived;
 - (9) Prepare and submit to the planning commission, and the council, if appropriate, applications for building permits, variances, conditional use permits and appeals;
 - (10) Maintain records of all permits issued, appeals, variances, conditional use permits and the disposition thereof;
 - (11) Receive, file and forward to the respective official bodies applications for variances, conditional uses and appeals;
 - (12) Publish and attend to the service of all notices required under the provisions of this chapter and to make or prepare and file affidavits of service thereof;
 - (13) Refer to the city attorney all violations of this chapter that cannot be handled administratively;
 - (14) Assure that all building permits comply with the terms of this chapter;
 - (15) Conduct inspections of buildings and land to determine compliance with the terms of this chapter.
- (c) *Discretion; interpretation.* The zoning administrator shall not have the discretion to vary the terms and provisions of this chapter. He or she shall have the power and the responsibility to interpret any provisions of this chapter that may be unclear. In the discharge of this duty the city attorney shall provide advice to him or her upon request. In the making of any such interpretation, the zoning administrator shall set forth a decision in writing, including reasons thereof.

(Code 1993, § 9-15.01)

Sec. 113-33 - Conformity of building plan to regulations

- (e) *Consistency with comprehensive plan.* No amendment to this chapter shall be adopted which is in conflict with the city's comprehensive plan.
- (f) *Time deadline; approval requirements.* Pursuant to Minn. Stats. § 15.99, an application for an amendment must be approved or denied within 60 days from the date a properly completed application is received by the city unless the time period is waived by the applicant or extended as provided by statute. Approval of an amendment shall require a majority vote of all the members of the city council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial require a two-thirds majority vote of all members of city council.

(Code 1993, § 9-15.05; Ord. No. 97-06, § 1, 9-24-1997)

State Law reference – Amendments, Minn. Stats. § 462.357, subds. 2 – 4.

Sec. 113-36 - Fees and costs

The zoning administrator or other administrative office having jurisdiction therein shall charge each applicant, petitioner or other person requesting a permit, rezoning or other zoning approval or review such fees as may be prescribed therefor by ordinance or by resolution published in the same manner as an ordinance. Each applicant, petitioner or other person shall also pay all legal, engineering, planning, and similar out-of-pocket costs incurred by the city in connection with the respective matter. The zoning administrator with the approval of the council may require each applicant, petitioner or other person to deposit with the city in escrow a cash amount based on an estimate by the zoning administrator of such fees and costs. Any surplus shall be refunded to and any additional costs paid by the applicant, petitioner or other person. The obligation to pay such fees and costs shall not be affected by the disposition of the matter.

(Code 1993, § 9-15.06)

Secs. 113-37 – 113-60 - Reserved

DIVISION 2 - APPEALS AND VARIANCES

Sec. 113-61 - Board of adjustments and appeals

The city council shall act as the board of adjustments and appeals.

(Code 1993, § 9-15.02)

State Law reference – Board of adjustments and appeals, Minn. Stats. § 462.354, subd. 2.

Sec. 113-62 - Variances

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

- (f) *Conditions.* The city may attach conditions to the grant of the variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- (g) *Procedure.*
 - (1) All applications for variances shall be referred to the planning commission for study and recommendation to the city council.
 - (2) Within 60 days, the planning commission shall forward its recommendations to the city council; if no recommendation is transmitted within 60 days after referral of the application for variance to the planning commission, the city council may take action without further awaiting such recommendation.
 - (3) Variances are granted or denied by motion of the city council.
- (h) *Termination.* The violation of any condition of the variance shall be the basis for the city council, following a hearing, to terminate the variance. If the property is not used or improvements substantially begun within a period of one year after the decision granting the variance, unless the variance decision provides otherwise, the variance shall be terminated. Unless the city council specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this section shall expire without further action by the planning commission or the city council, unless the applicant commences the authorized use or improvement within one year of the date the variance is issued; or, unless before the expiration of the one-year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by city council. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. A request for an extension not exceeding one year shall be subject to the review and approval of the zoning administrator. Should a second extension of time, or any extension of time longer than one year, be requested by the applicant, it shall be presented to the planning commission for a recommendation and to the city council for a decision.

(Code 1993, § 9-15.03; Ord. No. 11-01, § 1, 7-13-2011)

State Law reference – Variances, Minn. Stats. § 462.357, subd. 6(2).

Secs. 113-63 – 113-82 - Reserved

DIVISION 3 - CONDITIONAL USE PERMITS²

Sec. 113-83 - Purpose and public policy

Conditional uses are those uses authorized by this chapter which require special planning consideration due to traffic circulation and access needs or impacts, operational characteristics, proximity to other similar uses, impact on neighboring property, etc., and which therefore need special conditions imposed to establish or control these factors in order to protect the public health, safety and welfare and to assure compliance and harmony with the comprehensive plan of the city. In the enactment of the ordinance from which this chapter is derived, the city recognizes that there are certain uses that, because of their characteristics, limited number, or unique

- (6) Boundary line of property with their dimensions.
- (7) Location identification and dimensions of existing and proposed:
 - a. Topographic contours of minimum intervals of two feet.
 - b. Adjacent streets and on-street right-of-way.
 - c. On-site streets and street right-of-way.
 - d. All utility and utility right-of-way easements.
 - e. Lighting plan, showing the lighting of parking areas, walks, security lights and driveway entrance lights.
 - f. Buildings and structures including:
 - 1. Elevation drawings of all proposed building and structures with dimensions.
 - 2. Elevation, height above mean sea level of all floors and roofs, when structure is sited in an area prone to flooding as determined by the city engineer.
 - 3. Gross square footage of existing and proposed buildings and structures.
 - 4. Exterior finish materials.
 - 5. Type of business, proposed number of employees, and times of operations.
 - g. All parking facilities.
 - h. Water bodies and drainage ditches.
 - i. Fences and retaining walls.
 - j. Landscape plan, showing size and species of each planting.
 - k. On- and off-site traffic flow.
 - l. Parking plan.
- (8) Site statistics including square footage, percentage of coverage, dwelling unit density, and percentage of park or open space.
- (9) Names and addresses of the owners of all property abutting the subject property, as contained in the current real estate tax rolls, including property located across the street, avenue or alley from the subject property.

(Code 1993, § 9-15.04(2))

Sec. 113-85 - Hearing; development standards

- (a) *Public hearing.* The planning commission shall hold a public hearing preceded by ten days' published and mailed notice. Mailed notice should be given to property owners within 350 feet of the property for which the conditional use permit is sought.
- (b) *Review of applicant's plan.* The planning commission and/or council shall consider to what extent the applicant's plan minimizes possible adverse effects of the proposed conditional

residential areas, the fact that they tend not to serve nearby residential areas, or may adversely affect nearby permitted business uses.

- c. That certain temporary uses that are generally not suitable within a particular zoning district are potentially suitable on a temporary basis. This may be due to the lack of development on existing property, to a short-term need (such as highway construction), or to a limited degree of adverse effects upon adjacent land use.
- (d) *Exceptions.* These standards shall be strictly applied unless it is found in the particular case that the community safety, health and welfare can as well or better be served by modifying them. Any special requirements applicable to the particular case that are imposed elsewhere in this chapter shall be met in each case.
- (e) *Recommendations.* When applications are reviewed by the planning commission but acted upon by the city council, the planning commission shall recommend to the city council whatever action it deems advisable, including all recommended conditions on the granting of the conditional use permit.

(Code 1993, § 9-15.04(3))

Sec. 113-86 - Action

In acting upon applications for conditional use permits, consideration shall be given to the effect of the proposed use upon the health, safety, morals, comfort, convenience and welfare of the occupants of the surrounding lands, existing and anticipated traffic conditions, including parking facilities on adjacent sites. When applications are reviewed by the planning commission but acted upon by the city council, the city council may hold whatever public hearings it deems advisable or may return the application to the planning commission for further consideration.

- (1) *Approval.* If it is determined that the general and special requirements of this chapter will be satisfied by the applicant's plan, the city may grant such permit and may impose conditions relating to the general and special requirements in each case, including durational conditions. Approval shall be by resolution.
- (2) *Denial.* Conditional use permits may be denied by resolution. Such resolution shall state the reasons for denial, but may incorporate by reference the minutes and recommendations of the planning commission, staff reports, hearing testimony and any other material relevant to the decision.

(Code 1993, § 9-15.04(4))

Sec. 113-87 - Violations; termination

If compliance with all of the conditions of the conditional use permit has not taken place within the time prescribed by the city, the permit is deemed terminated, unless the council, in its sole discretion, extends the time for compliance for an additional permit not to exceed one year. Any violation of a continuing condition shall be grounds for revocation of the conditional use permit, after notice of violation served upon the permit holder in the manner of a civil summons at least ten days prior to hearing, and upon the council finding at the revocation hearing that the

- (1) Meet the standards of a conditional use permit set forth in section 113-85 of this chapter, except that screening and landscaping shall not be required unless specifically enumerated as a condition in the permit.
 - (2) Conform to the applicable general performance standards of article VI, division 3 of this chapter, except that screening and landscaping shall not be required unless specifically enumerated as a condition in the permit.
 - (3) The use is allowed as an interim use in the respective zoning district.
 - (4) The date or event that will terminate the use can be identified with certainty.
 - (5) The use will not impose additional unreasonable costs on the public.
 - (6) The user agrees to any conditions that the city council deems appropriate for permission of the use.
- (b) An interim use shall terminate on the happening of any of the following events, whichever occurs first:
- (1) The date or event stated in the permit.
 - (2) Upon violation of conditions under which the permit was issued.
 - (3) Upon change in the city's zoning regulations that render the use nonconforming.

(Code 1993, § 9-15.08(3); Ord. No. 03-02, § 2, 2-12-2003)

Secs. 113-123 – 113-142 - Reserved

ARTICLE III - ZONING DISTRICTS ESTABLISHED; ZONING MAP

Sec. 113-143 - Districts

The city is hereby divided into the following use districts and groups of use districts:

- (1) Residential districts:
 - a. R-1 one-family residential district.
 - b. R-2 one- and two-family residential district.
 - c. R-3 medium density multiple-family residential district-apartment buildings.
 - d. R-4 high density multiple-family residential district-apartment buildings.
 - e. R-5M mixed use high density residential district.
- (2) Business districts:
 - a. B-1 limited business district.
 - b. B-2 limited business district.
 - c. B-3 Snelling and Larpenteur community business district.
- (3) Special purpose districts:

Sec. 113-174 - One-family R-1 residential district

- (a) *Scope.* The provisions of this section apply to the R-1 one-family residential district.
- (b) *Permitted Uses.* Within any R-1 one-family residential district, no structure or land shall be used except for one or more of the following uses: one-family detached dwellings.
- (c) *Conditional uses.* Within any R-1 one-family residential district, no structure or land shall be used for the following uses except by conditional use permit:
 - (1) Public parks and playgrounds.
 - (2) Schools, provided no buildings shall be located within 50 feet of any lot line of an abutting lot in an R use district. Any fence erected around a play area shall be not less than 15 feet from a street line when said fence would be across the street from an R use district.
 - (3) Municipal buildings and structures, excluding storage of maintenance equipment and trucks over 1½ tons, stockpiling of aggregate and open storage of material, but including firefighting apparatus, provided these shall not be located within 30 feet of any lot line of an abutting lot in an R use district.
 - (4) Essential service structures, provided no building shall be located within 50 feet from any lot line of an abutting lot in an R use district. The architectural design of service structures should be compatible to the neighborhood in which they are to be located.
 - (5) Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family.
 - (6) Off-street parking: when the proposed site of the off-street parking abuts on a lot which is in a B district and subject to those conditions set forth in article VI, division 2, subdivision II, and such other conditions as found necessary by the council to carry out the intent of this chapter. However, such off-street parking shall be permitted as a conditional use in any R-1 one-family use district for church parking purposes.
 - (7) Room and/or board for up to four persons.
 - (8) Home occupations not meeting the definitions and requirements of section 113-391.
- (d) *Permitted accessory uses.* No accessory structures or use of land shall be permitted except for one or more of the following uses:
 - (1) Home occupations meeting the definitions and requirements of section 113-391.
 - (2) Private tennis courts, provided no portion of the paved or fenced area is within a required front yard or less than ten feet from a property line.
 - (3) One private garage or carport and parking space as regulated in section 113-240.

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Flexibility may be provided by allowing the side yard to be decreased to a minimum of three feet if a maintenance easement is recorded on the deeds of all affected properties. (No fences or significant landscaping could be installed in the easement areas).

- (f) *Off-street parking and loading.* As provided in article VI, division 2 of this chapter.
- (g) *Signs.* As provided in section 113-449.
- (h) *Swimming pools.* As permitted in section 113-382.

(Code 1993, § 9-4.01; Ord. No. 0-89-12, 7-26-1989; Ord. No. 0-89-16, 11-8-1989; Ord. No. 0-91-2, 1-23-1991; Ord. No. 0-91-13, § 2, 11-27-1991; Ord. No. 0-99-09, § 3, 12-15-1999; Ord. No. 00-01, 6-3-2000; Ord. No. 07-05, § 1, 5-9-2007; Ord. No. 13-04, § 2, 7-24-2013; Ord. No. 19-04, § 2, 5-8-2019; Ord. No. 20-05, § 2, 10-14-2020; Ord. No. 20-07, § 2, 12-09-2020)

Sec. 113-175 - One- and two-family R-2 residential district

- (a) *Scope.* The provisions of this section apply to the R-2 one- and two-family residential district.
- (b) *Permitted uses.* No structure or land shall be used except for one or more of the following uses:
 - (1) One- or two-family detached dwellings.
 - (2) All permitted uses in the R-1 district.
- (c) *Conditional uses.* Conditional uses shall be as permitted in the R-1 district.
- (d) *Permitted accessory uses.* No accessory structures or use of land shall be permitted except for one or more of the following uses: all accessory uses as permitted in the R-1 district.
- (e) *Lot area, height, lot width and yard requirements.* The following minimum requirements shall be observed subject to any additional requirements, exceptions or modifications as set forth herein:
 - (1) One-family building as required in the R-1 district.
 - (2) Two-family building as required for a one-family building except that any building with two families shall have a minimum lot area of 12,500 square feet.
- (f) *Off-street parking and loading.* As provided in article VI, division 2 of this chapter.
- (g) *Signs.* As provided in section 113-449.
- (h) *Swimming pools.* As permitted in section 113-382.
- (i) *Permitted encroachments on required yards.* As permitted in the R-1 district.

(Code 1993, § 9-7.01; Ord. No. 0-93-07, § 7, 7-28-1993; Ord. No. 10-06, § 3, 9-8-2010)

Editor's note – Ord. No. 10-06, § 3, adopted Sept. 8, 2010, changed the title of § 113-176 from "R-4 medium density multiple-family residential district-apartment buildings" to "R-3 medium density multiple-family residential district-apartment buildings". This historical notation has been preserved for reference purposes.

Sec. 113-177 - B-1 neighborhood convenience district

- (a) *Scope.* The provisions of this section apply to the B-1 neighborhood convenience district.
- (b) *Purpose and intent.* The purpose of the neighborhood convenience business district is to provide for small-scale consumer goods stores and limited service establishments which deal directly with the customer by whom the goods and services are consumed. The maximum business size limit is 5,000 square feet. Some business areas may be further restricted by zoning regulations to avoid adverse impacts on residential neighborhoods. The district is primarily intended to serve the surrounding neighborhood rather than the entire community. It is designed to be accessible to retail customers from the nearby neighborhoods, to be compatible with the character of the neighborhoods, and to minimize the blighting influence on surrounding residential neighborhoods by limiting and controlling the uses that are permitted.
- (c) *Permitted uses.* No structure or land shall be used except for the following specific uses:
 - (1) Barbershops, except barber colleges.
 - (2) Beauty shops, but excluding cosmetology schools.
 - (3) Convenience stores, excluding motor fuel facilities.
 - (4) Coin and philatelic (stamp) stores.
 - (5) Drugstores/pharmacies.
 - (6) Florists.
 - (7) Garment pressing, and agents for laundries and dry cleaners, with a maximum of six employees.
 - (8) Health care, offices and clinics.
 - (9) Laundries - power, with a maximum of six employees.
 - (10) Laundromats - self serve.
 - (11) Miscellaneous retail establishments (small) (excluding repair and service establishments and gun shops) having a maximum floor area of 1,000 square feet which sell food, apparel and small specialty shopping goods including antiques, sporting goods, books, stationery, jewelry, cameras, novelty and optical stores and small cafes and restaurants.
 - (12) Offices, business and professional.
 - (13) Holiday tree sales.

- (8) Other as deemed to be normal, customary, and incidental by the zoning administrator.
- (f) *Other requirements.* All uses shall in addition to all other requirements comply with the following standards:
 - (1) No bars on doors or windows during business hours.
 - (2) No automatic interior or exterior security lock doors or doors that require request for entry or exit during business hours.
 - (3) No exterior storage of merchandise except for nursery stock associated with a florist.
 - (4) No exterior sales of merchandise except for a three-day period twice a year as a sidewalk sale or for merchandise associated with a florist.
- (g) *Lot area, height, lot width and yard requirements.*
 - (1) Minimum lot area 10,000 square feet.
 - (2) Maximum principal building height two stories or 254 feet, except as provided by section 113-243 of this chapter. Accessory buildings are subject to section 113-240.
 - (3) Minimum lot width 90 feet.
 - (4) Maximum building/use size 5,000 square feet, except where otherwise noted.
 - (5) Minimum building yard requirements:
 - a. Front, 30 feet.
 - b. Side, ten feet, but 30 feet if abutting a street or R district.
 - c. Rear, 20 feet.
 - (6) Maximum lot coverage, including the total area of roofs, driveways, parking lots, sidewalks and similar impermeable surfaces, 75 percent.

(Code 1993, § 9-8.01; Ord. No. 0-93-07, § 1, 7-28-1993; Ord. No. 0-94-05, § 2, 3-23-1994; Ord. No. 0-95-01, § 2, 5-10-1995; Ord. No. 0-99-09, § 4, 12-15-1999; Ord. No. 00-02, §§ 2, 3, 7-26-2000; Ord. No. 19-01, § 1, 1-9-2019; Ord. No. 20-07, § 3, 12-09-2020)

Sec. 113-178 - B-2 limited business district

- (a) *Scope.* The provisions of this section apply to the B-2 limited business district.
- (b) *Purpose and intent.* The primary purpose of the limited business district is to provide for office and limited service, employment and institutional uses which are freestanding in nature, require larger sites and are or can be made to be compatible with adjacent land uses. It is also intended to accommodate certain existing businesses for the purpose of maintaining them as conforming uses. Except where current retail or wholesale businesses are specifically listed, the limited business district is not intended to accommodate retail or wholesale businesses. The district is designed to minimize the blighting influence on the surrounding residential neighborhoods by limiting and controlling the uses that are permitted.
- (c) *Permitted uses.* No structure or land shall be used except for the following uses:

- (3) No exterior storage of merchandise except for nursery stock associated with a garden supply store or florist.
- (4) No exterior sales of merchandise except for nursery stock associated with a garden supply store or florist.
- (g) *Lot area, height, width and yard requirements.* Subject to exception under article V of this chapter.
 - (1) Minimum lot area 12,500 square feet.
 - (2) Maximum principal building height two stories or 254 feet, except as provided by section 113-243 of this chapter, three stories or 35 feet maximum allowed by CUP or PUD. Accessory buildings are subject to section 113-240(f).
 - (3) Minimum lot width 90 feet.
 - (4) Minimum building yard requirements:
 - a. Front, 30 feet.
 - b. Side, ten feet, but 30 feet if abutting a street or R district.
 - c. Rear, 20 feet.
 - (5) Maximum lot coverage, including the total area of roofs, driveways, parking lots, sidewalks and similar impermeable surfaces, 75 percent.
- (h) *Interim uses.* The following uses are allowed subject to the issuance of an interim use permit: farmer's markets that meet the following criteria:
 - (1) Operate no more than one day per week.
 - (2) Site includes not less than 284 parking spaces for customers of the market.
 - (3) Market may not operate before 6:30 a.m. or after 8:00 p.m.
 - (4) Permittee must name a managing agent who is responsible for the conduct of the vendors in compliance with the conditions of the interim use permit.

(Code 1993, § 9-9.01; Ord. No. 0-93-07, § 3, 7-28-1993; Ord. No. 0-94-05, § 3, 3-23-1994; Ord. No. 0-99-09, §§ 5—7, 12-15-1999; Ord. No. 00-02, §§ 4, 5, 7-26-2000; Ord. No. 03-02, § 3, 2-12-2003; Ord. No. 06-03, § 3, 9-13-2006; Ord. No. 19-01, § 2, 1-9-2019)

Sec. 113-179 - B-3 Snelling and Larpenteur community business district

- (a) *Scope.* The provisions of this section apply to the B-3 Snelling and Larpenteur community business district.
- (b) *Purpose and intent.*
 - (1) The district applies only to the northeast, northwest, and southwest quadrants of the Larpenteur and Snelling intersection. The district is designed to provide retail sales and services that serve the surrounding neighborhoods' and community's needs. Retail sales and services that serve a larger geographic area are available in larger, nearby business districts in adjacent cities. By limiting and controlling the uses that are permitted, the

- (23) Office supply and art supply stores, retail.
 - (24) Paint, glass and wallpaper stores, retail.
 - (25) Personal service establishments as follows: tax return preparation services, diet centers, costume and dress suit rental stores, photograph services.
 - (26) Photographic studios, portrait.
 - (27) Physical fitness facilities.
 - (28) Precious metal dealers with a precious metal dealer license.
 - (29) Photocopying and duplicating shops, provided not more than six employees are employed on the premises at one time.
 - (30) Public and essential service uses.
 - (31) Schools and studios for art, music and interior design.
 - (32) Secretarial and stenographic services.
 - (33) Tanning salons.
 - (34) Therapeutic massage enterprise.
 - (35) Video rental stores.
- (d) *Conditional uses.* The following uses are permitted subject to the issuance of a CUP:
- (1) Animal grooming and pet stores provided there shall be no boarding of animals on the site.
 - (2) Basement storage of goods not sold on the premises provided that the space is completely finished and ready for use, is sprinkled, has elevator access, provides two pedestrian accesses, has an existing loading dock or area that does not conflict with adjacent residential areas or entry to businesses and is approved by the city fire marshal.
 - (3) Car washes which are accessory to the principal use and meet the requirements for service stations, section 113-383.
 - (4) Adult, child care and nursery school facilities subject to licensing by the state.
 - (5) Charitable gambling establishments as a principal use in accordance with the city's licensing requirements, section 30-4.
 - (6) Custom manufacturing of handmade goods that are sold on the premises provided the manufacturing operation is incidental to a retail operation.
 - (7) Drinking establishments, bars and taverns, subject to the city's licensing requirements, chapter 6, article II of this Code.
 - (8) Gun shops are a conditional use on the northwest corner of Snelling and Larpenteur as long as the following conditions exist:
 - a. A minimum of 1,000 feet from any residential zone except for a minimum of 150 feet from any residential zone when the residential zone is buffered by a separate commercial facility.

- (2) Minimum building yard requirements:
- a. Front, 30 feet.
 - b. Side, 20 feet, but 30 feet if abutting a street and 40 feet if abutting an R district. No side yard shall be required for a party wall subject to section 113-241.
 - c. Rear, 20 feet, but ten feet if abutting an alley.
 - d. Maximum lot coverage, 75 percent. This requirement shall only apply to sites that abut an R district to provide sufficient land area for buffering, landscaping and screening. Coverage may be increased by the city if a permanent screen or buffer, other than a wooden fence, is constructed which provides 100 percent yearround opacity for adjacent residential areas after approval by the city council and review by the planning commission.

(Code 1993, § 9-10.01; Ord. No. 0-89-2, 1-11-1989; Ord. No. 0-91-8, § 1, 5-22-1991; Ord. No. 0-93-07, § 3, 7-28-1993; Ord. No. 0-94-05, § 4, 3-23-1994; Ord. No. 0-95-01, §§ 3, 4, 5-10-1995; Ord. No. 97-03, § 1, 6-25-1997; Ord. No. 0-99-09, § 8, 12-15-1999; Ord. No. 00-02, §§ 6, 7, 9, 7-26-2000; Ord. No. 06-03, § 4, 9-13-2006; Ord. No. 19-01, § 3, 1-9-2019)

Sec. 113-180 - Public land (P-1)

- (a) *Scope.* The provisions of this section apply to public land.
- (b) *Generally.* All public (city, state, school district, state fair, University of Minnesota, and other) land owned and operated for public purposes is zoned for what may be the most appropriate private use should the land be sold, leased, or otherwise transferred from public ownership and/or use.
- (c) *Allowed uses.* The "public land" overlay district is in addition to and not in lieu of the regular or original zoning district applied on the zoning map with the following uses
 - (1) *Private use of land.* Designate land areas that, if sold or otherwise made available for private use, the city council shall determine, after public hearing, the permanent zoning. No private building or occupancy permits shall be issued until said determination is made by the city council.
 - (2) *University of Minnesota.* University of Minnesota uses permitted shall be those indicated on the official campus plan of the university and placed on file with the city. The city shall be given not less than 30 days notice of any construction, change in use, or other land use activity affecting the community environment including impact upon city facilities, services, and road system.
 - (3) *State fair.* This district also applies to lands utilized for buildings, structures, and activities of the Minnesota state fair or the various states of the United States of America. Permitted uses shall include yearround activities such as recreation and others not directly associated with normal and commonly known "state fair" activities and purposes as approved by the city council; such uses may include tennis courts, play fields, picnic areas, and others intended for local community and/or general public use. All uses shall be in accordance with a state fair development and operations plan on file with the city. The city shall be given not less than 30 days notice of any new

- (2) No structure or building shall exceed three stories, or 30 feet, whichever is lesser in height, except as provided in section 113-243.
- (3) A side yard abutting on a street shall not be less than 30 feet in width, and when a side yard of a multifamily structure abuts a single-family residence, the side yard shall not be less than 20 feet.
- (4) The following minimum requirements shall be observed subject to additional requirements except as a modification set forth in this section and section 113-241:

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
12,500 sq. ft.	90 feet	30 feet	10 feet or ½ the height of the building, whichever is greater	30 feet

*Lot area for single-family residence may be reduced to 10,000 square feet.

(Ord. No. 10-06, § 4, 9-8-2010; Ord. No. 13-04, § 3, 7-24-2013; Ord. No. 20-05, § 3, 10-14-2020)

Sec. 113-182 - R-5M mixed use high density residential district

- (a) *Scope.* The provisions of this section apply to the R-5M mixed use high density residential district.
- (b) *Purpose and intent.* The purpose of the mixed use high density residential district is to provide high density, primarily apartment style, rental and condominium housing with limited commercial uses within the same structure. The intent of the district is to meet or exceed the city's comprehensive plan density goal of 28 residential units per acre.
- (c) *Permitted uses.*
 - (1) Apartment buildings with a maximum of 40 dwelling units per acre.
 - (2) Permitted uses in the B-2 zoning district.
 - (3) State licensed residential facilities serving from seven through 16 persons.
 - (4) State licensed day care facilities serving from 13 to 16 persons.
- (d) *Conditional uses.*
 - (1) Conditional uses in the B-2 zoning district.
 - (2) Public parks and playgrounds.
 - (3) Municipal buildings and structures.
 - (4) Essential service structures.
- (e) *Interim uses.* Farmers' markets that meet the following criteria: Operate no more than one day per week; site includes not less than 284 parking spaces for customers of the market;

Sec. 113-200 - Required use

PUD zoning is required for all developments having two or more principal uses or structures on a single parcel of land and may include townhouses, apartment projects involving more than one building, residential subdivisions, multi-use structures such as an apartment building with retail at ground floor level, commercial developments, mixed residential and commercial developments, and similar projects.

(Code 1993, § 9-16.02)

Sec. 113-201 - General requirements and standards

- (a) *Comprehensive plan/Code consistency.* A PUD must be consistent with the city comprehensive plan and the intent and purpose of the city Code provisions relative to land use, subdivision and development.
- (b) *Operating and maintenance requirements for PUD common open space/facilities.* Whenever joint common open space or service facilities for individual owners or users are provided within the PUD, the PUD plan shall provide reasonable assurance of adequate operation and maintenance of such open space and service facilities.
- (c) *Staging of public and common open space.* When a PUD provides for common or public open space, the total area of common or public open space or security in any stage of development, shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
- (d) *Development stages.* Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds 125 percent of the proposed residential density of the entire PUD.
- (e) *Urban development and availability of public services.* All development shall be carefully phased so as to ensure that it will not cause an unreasonable burden upon the city in providing services and utilities or cause a deleterious impact upon the natural environment.

(Code 1993, § 9-16.03)

Sec. 113-202 - Permitted uses and standards

The permitted uses, standards, and development plan shall be set forth in the ordinance rezoning the property to PUD.

(Code 1993, § 9-16.04)

Sec. 113-203 - Procedure for processing a planned unit development

- (a) *Approval process.* Planned unit developments may be permitted in the legislative discretion of the city council. The application and hearing process for planned unit developments will be as required for other zoning chapter amendments.

2. Ownership of all parcels.
 3. Platting and easements.
 4. Street and railroad rights-of-way.
 5. Buildings.
 6. Utility lines and facilities.
- e. A topographic map prepared by a registered civil engineer or registered land surveyor covering the entire tract proposed for development which contains the following information:
1. Contour lines at no more than foot intervals.
 2. Hydrologic information including drainage patterns, wetlands, and land subject to periodic flooding.
 3. Soil and subsoil conditions.
 4. Vegetation including classification of tree cover by species.
- f. Any other material requested by the city council, planning commission or city staff.

(Code 1993, § 9-16.05)

Sec. 113-204 - Coordination with subdivision approval

If development of the PUD requires subdivision approval, the PUD and subdivision shall be processed concurrently.

(Code 1993, § 9-16.06)

Sec. 113-205 - Development contract

The city and the developer shall enter into a development contract setting forth any improvements required to be undertaken by the developer. This contract may be combined with the development contract required for subdivision approval.

(Code 1993, § 9-16.07)

Sec. 113-206 - Rezoning

If approved by the city council, the property shall be rezoned PUD in accordance with the terms of approval. If a concurrent plat application is being processed, PUD rezoning shall be concurrent with final plat approval.

(Code 1993, § 9-16.08)

Sec. 113-207 - Control of planned unit development following completion

(d) *Permitted uses.* The following uses are permitted subject to the development plan for the PUD, subsection 113-21009(f), and the standards and requirements of the R-5M zoning district, except as modified herein:

(1) On lot 1, block 1, an urban farm. At least 21 paved parking spaces must be maintained next to the main building adjacent to Larpenteur Avenue, as well as at least 24 overflow parking stalls. The urban farm may have up to:

976 square feet of retail space;

2,201 square feet of office/training/kitchen space;

8,580 square feet of distribution/warehouse space;

849 square feet of greenhouse space; and

576 square feet of yard storage building space.

(2) On lot 2, block 1, a 68-unit apartment building with at least 68 parking spaces. At least 54 of the required parking spaces must be below grade and integrated into the apartment building. The site may have up to:

60,537 square feet of residential living space;

Four stories with underground parking; and

Private access easement between lot 1 and lot 2 to be recorded into the property record of both parcels.

(e) *Permitted accessory uses.*

(1) On lots 1 and 2, block 1, the accessory uses in the R-5M zoning district;

(2) On lot 1, block 1, seasonal hoop houses for growing vegetables.

(f) *Development plan.* The PUD must be maintained in accordance with the following development plan which is on file with the city and which is incorporated herein by reference:

(1) Urban farm project addition plat;

(2) Topographic survey and grading, drainage and utility plan prepared by Jacobson Engineers & Surveyors dated July 28, 2014;

(3) The following prepared by LHB for lot 1, block 1:

Architectural site plan w/landscape layout dated August 18, 2014;

First floor plan dated August 18, 2014;

Yard storage building - Color option 1 dated July 28, 2014 or yard storage building - Color option 2 dated August 18, 2014;

Exterior elevations - Color option 1 dated August 18, 2014 or exterior elevations - Color option 2 dated July ~~***-~~28, 2014.

Sec. 113-212~~1~~ - Amber Union planned unit development

- (a) *Legal description.* The legal description of this PUD is the North Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter, in section 21, township 29, range 23, Ramsey County, Minnesota, except that part taken for Snelling and Larpenteur Avenues.
- (b) *Purpose.* The purpose of the Amber Union planned unit development is to provide for the mixed uses of multi-family apartments and a retail space.
- (c) *Permitted uses and zoning regulations.* The R5-M mixed use high density residential district regulations shall apply to the property subject to the following modifications:
 - (1) Permitted uses: One principal structure consisting of 111,640 square feet and 89 apartment units and one principal structure consisting of 59,195 square feet, 39 apartment units, and one retail space.
 - (2) No conditional uses.
 - (3) No interim uses.
 - (4) Setbacks as depicted in the site plan dated September 23, 2019 prepared by Kimley Horn and Mohagen Hansen.
- (d) *Parking.* Vehicle parking shall be as follows:
 - (1) 108 parking stalls as depicted on the Site Plan dated September 23, 2019 prepared by Kimley Horn.
 - (2) 41 parking stalls as depicted on Exhibit A (Parking Easement) dated [inset date] prepared by Buhl GTA, recorded at Ramsey County as document number [insert number].
 - (3) 10 parking stalls as depicted on Exhibit B dated (Encroachment Agreement) [insert date] prepared by the City of Falcon Heights, recorded at Ramsey County as document number [insert number].
 - (4) At no time shall there be less than 149 parking stalls dedicated to the permitted uses of the Amber Union Planned Unit Development. A different arrangement of parking is subject to approval by the city administrator.
- (e) *Development plan.* The PUD must be maintained in accordance with the following development plan, which is on file with the city and which is incorporated herein by reference.
 - (1) The following plans prepared by Buhl GTA, LP and their contractors/partners with up to five percent variance as approved by the city administrator:
 - a. Site development plans, dated September 23, 2019 prepared by Kimley Horn and Mohagen Hansen including:
 - 1. Demo plan.
 - 2. Erosion and sediment control plan.
 - 3. Site plan.
 - 4. Grading plan.

(d) *Development plan.* The PUD must be maintained in accordance with the following development plan, which is on file with the city and which is incorporated herein by reference.

(1) The following plans prepared by UrbanWorks Architecture, LLC with up to five percent variance to not increase nonconformities from City Code, as approved by the city administrator:

a. Site development plans, dated October 16, 2023, prepared by UrbanWorks Architecture, LLC including:

1. Site demolition plan.
2. Erosion and sediment control plan.
3. Site dimension plan.
4. Grading and drainage plan.
5. Utility plan.
6. Architectural site plan, including overall, sublevel 1, level 1, level 2.
7. Building elevations.

(e) *Additional conditions.* The PUD must be maintained in accordance with the following additional conditions.

(1) Trees shall be planted and/or maintained along Larpenteur Avenue and Underwood Street as shown in plans submitted by UrbanWorks Architecture, LLC, dated October 16, 2023.

(2) Snow storage may not be stored in any parking area for more than 48 hours.

(3) Open space as shown on plans submitted by UrbanWorks Architecture, LLC, dated October 16, 2023, may not be converted into additional parking.

(4) Charging stations for not less than four electric vehicles must be provided on site.

Secs. 113-2143 – 113-239 - Reserved

ARTICLE VI - SUPPLEMENTAL DISTRICT REGULATIONS

DIVISION 1 - GENERALLY

Sec. 113-240 - Accessory buildings and structures

- (a) *Time of construction.* No accessory building shall be constructed on a lot prior to the time of construction of the principal building or land use to which it is accessory.
- (b) *Proximity to principal building.* An accessory building shall be considered as an integral part of the principal building if it is located less than 12 feet from the principal building with respect to firewall and other requirements of the building code.
- (c) *Garage restrictions.* Garages in a residential district must be set back at least five feet from an interior side or rear lot line unless:

- (f) *Height limitations.* No accessory building in a residential district shall exceed the height of the principal building. No detached garage in a residential district shall exceed 15 feet in height, unless it contains an accessory dwelling unit. A detached garage containing an accessory dwelling unit may not exceed two stories or 25 feet in height, whichever is lesser in height.
- (g) *Building location in certain districts.* Accessory buildings in the business and industry districts shall be located any place to the rear of the principal building, subject to the building code, and the fire zone regulations.
- (h) *Prohibited location.* No detached garages or other accessory buildings shall be located nearer to the front lot line than the principal building on that lot with the exception of an attached garage in an R-1 zone.
- (i) *Height limitation in certain districts.* No accessory building in a business or industrial district shall exceed the height of the principal building except by conditional use permit.
- (j) *Yard setbacks and building location in certain districts.* An accessory building in the business or industrial districts may be located within the rear yard setback, provided that the lot is not a through lot and said accessory building does not occupy more than 25 percent of the required rear yard. An accessory building shall be a part of the principal building if it is located less than 12 feet from the principal building. No accessory building shall be located less than ten feet from a rear lot line.
- (k) *Standards for utility structures.* Utility structures and other similar buildings shall conform to the following standards in residential districts:
- (1) All structures 120 square feet or larger shall require a building permit.
 - (2) All such structures shall be secure from wind displacement.
 - (3) The area of such buildings shall not be less than 35 square feet. Only one such building shall be permitted per lot and permitted only within the single-family districts.
 - (4) The height of detached utility structures shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.
 - (5) Exterior colors or materials matching the principal structure or earthen tones shall be utilized. No door or other access opening in a utility structure shall exceed 28 square feet in area.
- (l) *Compost structure requirements.* One accessory structure for compost not to cover more than 25 square feet in area and five feet in height in the rear yard. A compost structure must meet the setback requirements in section 113-240(e).
- (m) *Garage conversion requirements.* When an attached garage is converted to dwelling space, a replacement garage of the same or greater size must be constructed on the property. Furthermore, the existing driveway leading to the converted garage must be replaced with grass or approved landscaping materials unless the driveway provides access to the new garage. The curb cut provided to such a driveway may be removed by the city in the event the street curbs and gutters are rebuilt.
- (n) *Street access for alley property.* No property located on an alley shall be permitted a new curb cut for street access.

- (9) Home occupations meeting the definitions and requirements of section 113-391 are permitted in accessory dwelling units.
- (10) Dimensional standards for all accessory dwelling units shall conform to the following guidelines:
- a. The maximum height of an accessory dwelling unit shall meet the requirements as set forth in section 113-240(f).
 - b. An accessory dwelling unit shall include at least 250 square feet of living area, up to a maximum of 1000 square feet of living area, but in no case shall an accessory dwelling unit exceed 75% of the principal dwelling's four-season living area (exclusive of the accessory dwelling unit). For the purposes of this provision, "living area" shall include kitchen areas, bathrooms, living rooms, bedrooms (including the closet with defines the bedroom), and other rooms, and shall exclude utility rooms, hallways, entryways, storage areas, and garages.
 - c. An accessory dwelling unit shall not occupy more than 40 percent of the area of a required rear yard.
 - d. An accessory dwelling unit must meet all setback standards as outlined in section 113-174.
 - e. An accessory dwelling unit shall include a maximum of two bedrooms.
 - f. All accessory dwelling units shall meet the standards for principal buildings; notwithstanding this requirement, detached accessory dwelling units shall not be located closer to the front property line than the principal building.
- (11) The entryway to a detached accessory dwelling unit shall be connected to a street or alley frontage with an improved walkway.
- (12) An accessory dwelling unit shall be constructed so as to be compatible with the existing principal dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping.

(Code 1993, § 9-2.04; Ord. No. 0-89-12, 7-26-1989; Ord. No. 0-89-16, 11-8-1989; Ord. No. 0-90-1, 1-10-1990; Ord. No. 0-90-8, 8-22-1990; Ord. No. 0-91-13, § 1, 11-27-1991; Ord. No. 0-95-07, §§ 1—3, 10-11-1995; Ord. No. 0-96-01, § 1, 2-28-1996; Ord. No. 98-04, § 1, 6-24-1998; Ord. No. 0-99-10, § 1, 12-15-1999; Ord. No. 01-02, § 1, 10-10-2001; Ord. No. 19-04, § 3, 5-8-2019)

Sec. 113-241 - Required yards and open spaces

- (a) *Existing yards.* No yards, now or hereafter provided for a building existing on the effective date of the ordinance from which this chapter is derived shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this chapter for equivalent new construction in any zone.
- (b) *Permitted encroachments on required yards.* The following shall be permitted encroachments into setback and height requirements except as restricted by other sections of this chapter:
 - (1) In any yards:
 - a. Posts, off-street parking, flues, sills, pilasters, lintels, cornices, eaves (up to three feet), gutters, awnings, open terraces, steps, sidewalks, essential services, stoops, or

- (5) Porches with open railings which do not have walls, doors, windows or screens and which do not extend above the roof line of the building to which they are attached may encroach into the required front yard six feet if they are a minimum 24 feet from any front lot line. The encroachment into the front yard may not exceed 50 square feet.

- (c) *Street frontage.* All buildable lots must have frontage on and direct access to an improved public street except for planned unit development in which private streets have been approved by the city.

(Code 1993, § 9-2.05; Ord. No. 0-96-01, § 2, 2-28-1996; Ord. No. 0-96-05, § 1, 8-14-1996; Ord. No. 99-05, § 2, 8-25-1999; Ord. No. 03-01, § 1, 1-22-2003; Ord. No. 12-03, § 2, 5-9-2012)

Sec. 113-242 - Fences

Fences may be allowed in any zone and are subject to the following:

- (1) All fences shall require a zoning permit in addition to any other required permits.
- (2) If a fence is less than seven feet tall, a building permit is not required. If it is over seven feet, a building permit is required.
- (3) Fences in residential districts shall be comprised of chain-link, wood, plastic, or metal, but shall not be electric, barbed, weaved, or welded wire, except as allowed as a security arm.
- (4) All fences shall be kept in good repair, painted, trimmed and well maintained.
- (5) That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- (6) In the event a fence is adjacent to and parallel with the front lot line, side lot line on the street side of a corner lot, or rear lot line adjacent to and parallel with an alley, such fence shall be set back at least one foot from the street and alley right-of-way or property line.
- (7) Fences are not allowed in a 30-foot visibility triangle on street corners. This area is measured beginning at the intersection of the projected property lines of two intersecting streets, thence 30 feet along one property line, thence diagonally to a point thirty 30 feet from the point of beginning.
- (8) Fences may be permitted along property lines subject to the following:
 - a. Fences may be placed along property lines provided no physical damage of any kind results to abutting property.
 - b. Fences in commercial and industrial districts may be erected on the lot line to a height of six feet above grade plus two feet for a security arm. The security arm may be barbed, weaved, or welded wire.
 - c. Where the property line is not clearly defined, a certificate of survey may be required by the zoning administrator to establish the property line.

- (2) Ensure antennas and towers are designed, located, and constructed in accordance with all applicable Code requirements to avoid potential damage to adjacent properties from failure of the antenna and tower through structural standards and setback requirements;
 - (3) Require antennas and tower sites to be secured in order to discourage trespassing and vandalism; and
 - (4) Require tower equipment to be screened from the view of persons located on properties contiguous to the site and/or to be camouflaged in a manner to compliment existing structures to minimize adverse visual effects of antennas and towers.
- (b) *Permits.*
- (1) It shall be unlawful for any person, firm, or corporation to erect, construct, place or re-erect, replace, or make structural repairs to any tower without first making application for and securing a building permit as provided in this chapter, except as provided in subsection (b)(3) of this section.
 - (2) The applicant shall provide a report from a qualified and licensed professional engineer that demonstrates the tower's compliance with all applicable structural and electrical standards, including but not limited to the Minnesota State Building Code, and includes the engineer's certification.
 - (3) Permits are not required for:
 - a. Adjustment, repair, or replacement of existing antennas or the elements of an antenna array affixed to a tower or antenna, provided that adjustment or replacement does not reduce the safety factor.
 - b. Routine maintenance (e.g., painting) and other nonstructural-related repairs of towers.
 - c. Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations, provided that all requirements of subsection (b)(5) of this section are met, with the exception of subsection (b)(5)i. of this section (regarding corrosive material) which is waived. Temporary antennas shall be removed within 72 hours following installation, unless additional time is approved by the building official. Temporary towers erected for emergency purposes may be exempt from setback requirements of this article as determined by the building official.
 - (4) The fee to be paid is that prescribed under building permit fees.
 - (5) All antennas and towers erected, constructed, or located within the city, including all necessary wiring, shall comply with the following requirements:
 - a. All applicable provisions of this chapter.
 - b. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Minnesota State Building Code and the electronics industry association and all other applicable reviewing agencies.

- b. Towers or antennas no more than 110 feet in height are a permitted use in a P-1/R-1 zone except on the elementary school property located at 1393 Garden Avenue.
- c. Towers or antennas over ten feet in height but no more than 110 feet in height are a conditional use in P-1 and B-2 zones if the property does not abut R-1 zoned property.
- d. Nonfreestanding towers and nonfreestanding antennas over ten feet in height, which are attached to a structure over 45 feet in height are a conditional use in all zoning districts under the following conditions:
 - 1. The tower and antennas are located upon structures allowed as principal or conditional uses in the underlying zoning district or upon public structures.
 - 2. The tower and antennas are limited to a height of 15 feet projecting above the structure. The city may permit antenna heights of up to 25 feet above the structure if the applicant can demonstrate that, by a combination of tower or antenna design, positioning of the structure or by screening erected or already in place on the structure, off-site views of the antenna are minimized.
- (4) *Amateur radio antennas.* In accordance with the preemption ruling PRB1 of the Federal Communications Commission, towers supporting amateur radio antennas that comply with all other requirements of this section are exempted from the height limitations of this section, provided that such height is technically necessary to receive and broadcast amateur radio signals, and does not exceed 70 feet total height.
- (e) *Site location and setbacks.* In residential and business districts towers and antennas must be located in the rear yard. In all districts, towers and antennas shall conform to each of the minimum setback requirements:
 - (1) Towers shall meet the principal structure setbacks of the underlying zoning district except that towers and antennas must be set back one foot from all property lines for each foot of tower and/or antenna.
 - (2) Towers shall not be located between a principal structure and a public street.
 - (3) A tower or antenna setback may be reduced through a conditional use permit, at the sole discretion of the city council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, public communications tower, power line support device, or similar structure. The term "integration" may include replacement of an existing structure to include a personal wireless service provider, but does not include replication of a structure.
 - (4) Only one tower shall exist at any one time on any one parcel, unless additional towers or antennas could be incorporated into existing structures such as a church steeple, light pole, power line support device, public communications building or other similar structure.
- (f) *Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower for camouflage purposes, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

comparable antennas for at least two additional users if the tower is over 90 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

- (k) *Antennas mounted on roofs, walls, and existing towers.* The placement of commercial antennas on roofs, walls, and existing towers may be approved by the city, with a conditional use permit, provided the antennas meet the requirements of this chapter. In addition to the submittal requirements required elsewhere in this chapter, an application for a building permit for antennas to be mounted on an existing structure shall be accompanied by the following information:
 - (1) A site plan showing the location of the proposed antennas on the structure and documenting that the request meets the requirements of this chapter;
 - (2) A building plan showing the construction of the antennas and the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this chapter;
 - (3) Certification by a qualified and licensed professional engineer indicating the existing structure or tower's ability to support the antennas.
- (l) *Nonconforming existing antennas and towers.* Antennas and towers in residential districts and in existence as of the effective date of the ordinance from which this chapter is derived that do not conform or comply with this section are subject to the following provisions:
 - (1) Towers may continue in use for the purpose used and existing as of the effective date of the ordinance from which this chapter is derived, but may not be replaced or structurally altered without complying in all respects with this section.
 - (2) If such towers are subsequently damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit for the repair or restoration, but without otherwise complying with this chapter, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be 50 percent or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this section.
- (m) *Abandoned or unused towers or portions of towers.* All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property. After the facilities are removed, the site shall be restored to its original or an improved state.
- (n) *Interference with public safety telecommunications.* No new or existing telecommunications service shall interfere with public safety telecommunications.
- (o) *Additional submittal requirements.*
 - (1) In addition to the information required elsewhere in this chapter for an application for a building permit for towers and their antennas, applications for conditional use permits for such towers shall include the following supplemental information:

and equipment information signage required by the manufacturer or by federal, state, or local authorities;

- c. Antennas and any guy wires or guy wire anchors shall not be erected within a public or private utility and drainage easements, and shall be set back a minimum of five feet from all lot lines;
 - d. Antennas shall meet the setback requirements specified under this section and, to the extent feasible, placed in a position that is not visible from the street, unless placement in accordance with these requirements would impair reception of an acceptable signal;
 - e. Ground-mounted antennas shall not exceed ten feet in height and all other antennas must meet the height limitations in this section, unless the applicable height limitation would impair reception of an acceptable signal; in which case, antennas shall be limited to the minimum height necessary to obtain an acceptable signal;
 - f. Antennas shall not be constructed, installed, or maintained so as to create a safety hazard or cause damage to the property of other persons;
 - g. With the exception of necessary electric and telephone service and connection lines approved by the city, no part of any antenna nor any lines, cable, equipment, or wires or braces in connection with the antenna shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line;
 - h. Antennas, masts, and supporting cables shall conform to the latest structural standards and wind loading requirements of the Minnesota State Building Code and the electronics industry association and any other applicable reviewing agencies;
- (4) Satellite earth station antennas no more than ten feet in height, and satellite earth station antennas in excess of one meter in diameter and antennas designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter in diameter may be allowed as a conditional use within the residential zoning districts of the city and, in addition to the requirements of this section, shall comply with the following standards:
- a. The lot on which the antenna is located shall be of sufficient size to assure that an obstruction-free receive window can be maintained within the limits of the property ownership;
 - b. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the receive window;
 - c. The antenna is not greater than three meters in diameter; and
 - d. The conditional use permit provisions of this chapter are considered and determined to be satisfied;
- (5) Satellite earth station antennas in excess of two meters in diameter and antennas designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter in diameter are allowed as a conditional use within the

- (2) The maximum height allowed for the woodpile is six feet;
 - (3) No wood shall be stored within the required minimum area of setback from the street right-of-way;
 - (4) No wood shall be stored in any yard which is commonly considered the front yard.
- (c) *Exemptions.* Wood stored or kept in a covered structure impervious to the elements is exempt from the conditions outlined in subsection (b) of this section.
- (d) *Existing woodpiles.* Any woodpile in existence as of the date of the passage of the ordinance from which this chapter is derived which does not comply with the provisions of this section must be moved or placed in compliance within 90 days after written notice to comply has been given to the occupant of the residence by the zoning administrator. Such notice shall be in writing and shall be served upon the property owner either in person or by mail.

(Code 1993, § 9-2.13)

Sec. 113-249 - Manufactured homes

Manufactured or mobile homes as defined in this chapter and per Minn. Stats. § 327.31, subd. 6, shall be permitted on any legal lot in the R-1 and R-2 residential districts under the following conditions that apply also to any other type of principal residential building permitted:

- (1) No principal residential building shall be less than 50 feet by 20 feet in outside dimensions (20 feet one side and 50 feet the other).
- (2) All one- and two-family residential buildings shall have a basement as defined and regulated in the city building code.
- (3) All residential buildings shall meet all structural and other requirements of the city building code.

(Code 1993, § 9-11.02)

Sec. 113-250 - Private automobile repair and reconditioning

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

Major repair means rebuilding, overhauling, or reconditioning of engines, motor vehicles or trailers including body, frame or fender straightening or repair, painting, and vehicle cleaning by steam or automatic car washing devices.

Minor repair means common maintenance including oil and filter change; battery or tire change; mounting of tires on rims; auto tune-up; replacing car lights, antifreeze, hoses, thermostats, manifolds and pipes.

- (1) The drive-through facility, service window and speakers must be located at least 100 feet from a residential zoned or used property and must be visually screened from adjoining residential property.
- (2) The entrance and exit drive lanes to the drive-through facility must be at least 75 feet from a street intersection.
- (3) The lot on which the drive-through facility is located must be at least 35,000 square feet in area.
- (4) The minimum on-site stacking distance available for the drive-through must be 180 feet in length.
- (5) Drive-through facilities may only be operated between the hours of 7:00 a.m. and 8:00 p.m.
- (6) No speaker noise may be audible from adjacent residential property.
- (7) A traffic study must be completed documenting that the drive-through facility will not create traffic problems.

(Ord. No. 06-03, § 2, 9-13-2006)

Sec. 113-253 - Mobile storage structures

Mobile storage structures may be located as a temporary structure on property within the city upon issuance of a permit by the city clerk. They are allowed for a period not exceeding 72 hours in duration on a public street and not exceeding four weeks on private property, from time of delivery to time of removal. No more than one mobile storage structure may be located on a specific piece of property within the city at one time. Such temporary structure may not be located on a specific property more than two times in any 90 calendar-day period. Such temporary structure shall be located no closer than ten feet to the property line unless on a driveway and must be placed on an impervious surface. Such structure may not be placed in a fire lane, or sidewalk. Such structure may not exceed eight feet six inches in height, ten feet in width or 20 feet in length. It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure.

(Ord. No. 07-03, § 2, 1-10-2007)

Sec. 113-254 - Solar energy systems

- (a) *Purpose and scope.* The City of Falcon Heights has adopted this section to meet the comprehensive plan goal of becoming a sustainable, energy efficient community and to preserve the health, safety and welfare of the community's citizens by promoting the safe, effective and efficient use of solar energy systems to reduce consumption of fossil fuels. This section applies to all solar energy installations in the City of Falcon Heights.
- (b) *Permitted accessory use.* Active solar energy systems are an accessory use in all zoning districts, subject to the following requirements:

coverage for the zone provided 100 percent of the excess is accounted for by an approved solar ground- or pole-mounted solar energy system.

- (4) *Approved solar components.* Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
- (c) *Plan approval required.* All solar energy systems shall require administrative approval by the zoning and planning administrator.
 - (1) *Plan applications.* Plan applications for solar energy systems shall be accompanied by a site plan and by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 - (2) *Pitched roof-mounted solar energy systems.* For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - (3) *Flat roof-mounted solar energy systems.* For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 - (4) *Compliance with building code.* All active solar energy systems shall require a building permit.
 - (5) *Compliance with state electric code.* All photovoltaic systems shall comply with the Minnesota State Electric Code.
 - (6) *Compliance with state plumbing code.* Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
 - (7) *Utility notification.* No grid-intertie photovoltaic system shall be installed until evidence has been given to the planning and zoning department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 - (8) *Plan approvals.* Applications that meet the design requirements of this section shall be granted administrative approval by the zoning and planning administrator. Plan approval does not include building, electric, or plumbing code approval. If applicable, such approvals must also be obtained.

(Ord. No. 13-05, § 2, 11-13-2013)

Secs. 113-255 – 113-280 - Reserved

DIVISION 2. - OFF-STREET PARKING AND LOADING

Subdivision I - In General

- c. No motor vehicle over one ton capacity bearing a commercial license and no commercially-licensed trailer shall be parked or stored in a residential district except when loading, unloading, or rendering service. No campers, boats, trailers, or snowmobiles shall be parked or stored in any front or side yard; boats and unoccupied trailers meeting criteria for "exterior storage" under this chapter may be stored in the rear yard.
 - d. One-family homes may utilize the public street for the loading and unloading of furniture, moving trucks and other common and customary activities associated with residential use, excluding service and repair of vehicles except for the changing of tires, provided such activities do not block street traffic, cause traffic congestion or hazards, or otherwise constitute a public nuisance.
- (2) The following provisions apply to the R-3 and R-4 districts:
- a. All accessory off-street parking facilities required herein shall be located as follows:
 - 1. Spaces accessory to multiple-family dwellings on the same lot as the principal use served and within 200 feet of the main entrance to the principal building served. Parking as required by the building code for the handicapped shall be provided.
 - 2. Off-street parking spaces shall not be located on or project into a street or alley right-of-way.
 - 3. No driveway or off-street open parking area shall be located closer than five feet from an adjacent lot zoned or used for residential purposes.
 - 4. Off-street parking spaces shall not be located within any required front or side yard setback.
 - b. Reserved.
 - c. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or one truck not to exceed 7,000 pounds gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, or customers of nearby business or manufacturing establishments.
 - d. The number of off-street parking spaces required for various land uses as specified herein shall be considered as absolute minimum requirements. Additional off-street parking spaces may be required by the zoning administrator or planning commission. It is public policy that all public streets in the city are intended primarily for the movement of traffic; on-street curb parking shall be considered a privilege that may or may not be granted on a street-by-street basis.
 - e. Off-street parking spaces required (one space equals 350 square feet) shall be as follows for:

Multiple-family dwellings. At least ~~two~~one parking spaces per dwelling unit except that ~~two~~one and one-half parking spaces per dwelling unit are required for multiple

- (5) No driveway or off-street open parking area shall be located closer than five feet from an adjacent lot zoned or used for residential purposes, except when adjoining an existing parking area on the adjacent lot.

(Code 1993, § 9-13.04(3))

~~Sec. 113-313—Underground parking credits~~

~~In any development in which all or a portion of the required off-street parking is fully enclosed and below ground elevation, the minimum lot area requirements shall be reduced by 15 percent per dwelling unit, but said reduction shall not be greater than 20 percent of the total parking space area requirement.~~

~~(Code 1993, § 9-13.04(4))~~

Sec. 113-314 - Miscellaneous provisions

- (a) *Existing off-street parking spaces.* Existing off-street parking spaces and loading spaces upon the effective date of the ordinance from which this chapter is derived shall not be reduced in number unless the result exceeds the requirements set forth herein.
- (b) *Parking for seating facilities.* In stadiums, sport arenas, churches and other places of public assembly, in which patrons or spectators occupy benches, pews or other similar seating facilities, each ~~24~~20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this chapter.
- (c) *Parking space.* Required parking spaces shall be at least nine feet wide and 18 feet long. Up to 50 percent of the required spaces may be designated compact spaces. Compact parking spaces shall be at least eight feet wide and 16 feet long. Compact spaces shall be identified through appropriate signage. Unless alternative requirements are designated by the city engineer, parking spaces shall be served by access drives with minimum dimensions provided as follows:

Stall Angle (degrees)	Curb Length (feet)	Vehicle Projection (feet)	Aisle (feet)	Traffic Flow
45	9	22	14	One way
60	9	21	16	One way
75	9	21	18	One way
90	9	18	24	Two way

- (g) *Use of parking area.* Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale or for rent or other nonparking purposes except by the granting of a variance.
- (h) *Lot coverage.* In residential districts, no more than 32 percent of the required front yard area shall be surfaced or utilized for driveway or vehicle storage space, but in no case shall a driveway in a required front yard exceed 24 feet in width as measured at the property line.
- (i) *Minimum spaces required.* The number of off-street parking spaces required for various land uses as specified herein shall be considered as absolute minimum requirements. Additional off-street parking spaces may be required by the zoning administrator or planning commission.
- (j) *Parking restrictions.* Parking shall be permitted on hard-surfaced areas designed for such use only; parking shall not be permitted in landscaped yards, boulevards, grass portion of street right-of-way or other such areas, except as provided in section 113-310(1)a.

(Code 1993, § 9-13.04(5); Ord. No. 0-91-10, § 1, 6-19-1991; Ord. No. 0-96-01, § 4, 2-28-1996; Ord. No. 12-07, § 2, 7-11-2012)

Sec. 113-315 - Design and maintenance of off-street parking areas

- (a) *Design.* Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access widths shall be in accordance with the state highway department standards, but in no case shall they exceed 32 feet in width unless a conditional use permit has been obtained approving the larger width. Driveway access shall be so located as to cause the least interference with traffic movement. There shall be only one driveway access for each one-family residential lot.
- (b) *Calculating space.* When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.
- (c) *Signs.* No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and/or electric vehicle charging, and such signs shall not be a part of permitted advertising space. Signs shall conform to zoning district regulations.
- (d) *Surfacing.* All driveways and off-street parking areas shall be permanently surfaced with either concrete or asphalt or impervious decorative pavement such as brick between the street and garage. (This does not require the resurfacing of existing driveways with parallel tracks into one contiguous surface.)
- (e) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged so it is not directly visible from the adjoining property and in a downward vertical direction. However, in no case shall such lighting exceed two footcandles in a business or industrial zone nor 0.5 footcandle in a residential zone measured at the lot line.
- (f) *Curbs and landscaping.* A six-inch-high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where the city engineer determines that a curb would impede the drainage plan. When the parking lot is for six spaces or more, a curb or screening not over four feet in height shall be erected along the

- (1) One- and two-family residences. At least two~~Two~~ spaces per dwelling unit, but not to exceed four per unit. Accessory dwelling units used in conjunction with a single-family residence are not required to have additional parking added to the standard single-family residence parking requirement.
- (2) Multiple-family dwellings. At least two~~one~~ parking spaces per dwelling unit except that 2½~~one and one-half~~ parking spaces per dwelling unit are required for multiple units of ten or less that abut no parking (on street curb) zones. At least one-half of the required spaces shall be enclosed. (Garage requirements may be waived for apartment projects designed and intended for occupancy by low income families.) In the event the final calculation of parking spaces includes half a parking space, the total number of parking spaces should be rounded up.
- (3) Churches, theaters, auditoriums, mortuaries, and other places of assembly. One space for each three~~five~~ seats or for each five~~ten~~ feet of pew length. Based upon maximum design capacity.
- (4) Offices. One space for each 200 square feet of gross floor space.
- (5) Hotel, motel. One space per unit, plus one space per employee, plus one space for each three persons who may be accommodated in a bar, restaurant, meeting room, swimming pool, convention facility or similar place of public assembly based upon maximum design capacity.
- (6) Schools, elementary and junior high. Three spaces for each classroom.
- (7) High school through college. One space for each four students based on design capacity plus three additional spaces for each classroom.
- (8) Hospitals. One space for each three hospital beds, plus one space for each three employees other than doctors, plus one space for each resident and regular staff doctor. Bassinets shall not be counted as beds.
- (9) Sanitarium, convalescent home, rest home, nursing home, or institution. One space for each six beds for which accommodations are offered, plus one space for each two employees on maximum shift.
- (10) Additional parking. Additional parking shall be provided for all schools with theaters, auditoriums, swimming pools, gyms, football stadiums or other places of public assembly or participation in the amount of one space for each three persons based upon maximum design capacity.
- (11) Drive-in food or fast food establishments. One space for each 15 square feet of gross floor space in the building allocated to drive-in operation, plus additional space as may be determined by the zoning administrator based upon advice from the planning commission. Drive-through lanes for food pick-up must be able to stack eight cars on site without interfering with the site parking.
- (12) Bowling alley. Six spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant.
- (13) Motor fuel station. Two spaces plus three spaces for each service stall.
- (14) Retail. One space for each 150 square feet of gross floor area.

(Code 1993, § 9-13.04(6); Ord. No. 0-91-10, § 2, 6-19-1991; Ord. No. 12-07, § 3, 7-11-2012)

Secs. 113-316 – 113-333 - Reserved

Subdivision III - Off-Street Loading

Sec. 113-334 - Location

All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least 25 feet from the intersection of two street rights-of-way and at least 50 feet from a residential district, unless within a building. Loading berths shall not occupy the required front yard space.

(Code 1993, § 9-13.05(1))

Sec. 113-335 - Size

Unless otherwise specified in this chapter, a required loading berth shall be not less than 12 feet in width, 50 feet in length, and 14 feet in height, exclusive of aisle and maneuvering space.

(Code 1993, § 9-13.05(2))

Sec. 113-336 - Street access

Each required loading berth shall be located with appropriate means of vehicle access to a street or public alley in a manner which will least interfere with traffic.

(Code 1993, § 9-13.05(3))

Sec. 113-337 - Accessory use

Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this chapter shall not be used for the storage of goods, inoperable vehicles, or be included as a part of the space requirements necessary to meet the off-street parking area.

(Code 1993, § 9-13.05(4))

Sec. 113-338 - Alterations

Any structure erected or substantially altered for a use which requires the receipt of distribution of materials or merchandise by trucks or similar vehicles, shall provide off-street loading space as required for a new structure.

(Code 1993, § 9-13.05(5))

Sec. 113-339 - Schools

- (1) Any use listed in a residential district that is also permitted in any of the several business districts shall provide loading spaces as established for that use in the preceding section for residence districts.
- (2) Business or office establishments containing less than 10,000 square feet of gross floor area shall be provided with adequate facilities, accessible by motor vehicle off any adjacent alley, street service drive, or open space on the same zoning lot.
- (3) For all other uses, loading berth facilities shall be provided in accordance with the number and location determined necessary by the zoning administrator.

(Code 1993, § 9-13.05(12))

Sec. 113-345 - Other zoning districts

Off-street loading spaces (number, type, location) shall be provided by the nature of the specific use as determined and approved by the zoning administrator.

(Code 1993, § 9-13.05(13))

Sec. 113-346 - Temporary use permit

Loading or unloading from any street or other public right-of-way may be permitted for nonresidential uses in any zoning district only upon issuance of a "temporary use" permit by the zoning administrator.

(Code 1993, § 9-13.05(14))

Sec. 113-347 - Use by taxi, bus

Taxi or public transit bus as approved by the city council may use areas designated for loading.

(Code 1993, § 9-13.05(15))

Secs. 113-348 – 113-367 - Reserved

DIVISION 3 - DESIGN AND PERFORMANCE STANDARDS

Sec. 113-368 - Minimum standards

All uses, buildings, and structures permitted pursuant to this chapter shall conform to the performance and design standards set forth in this division; said standards are determined to be the minimum standards necessary to comply with the intent and purposes of this chapter as set forth in this division.

(Code 1993, § 9-14.01(1))

- (e) All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a variance, or otherwise permitted by provisions of this chapter, shall be considered as refuse.

(Code 1993, § 9-14.01(3))

Sec. 113-371 - Environmental pollution

- (a) Regardless of the source, the city council may take such action as is necessary to abate foul odors.
- (b) No use shall be permitted which will cause or result in the pollution of any tributary to any lake, stream or other body of water.

(Code 1993, § 9-14.01(4))

Sec. 113-372 - Screening

- (a) Screening shall be required in residential zones where:
 - (1) Any off-street parking area contains more than four parking spaces and is within 30 feet of a residential zone; and
 - (2) Where the driveway to a parking area of more than six parking spaces is within five feet of an adjoining residential use or zone.
- (b) Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on the side of a business or industry considered to be the front.
- (c) All exterior storage shall be screened. The exceptions are:
 - (1) Merchandise being displayed for sale;
 - (2) Materials and equipment currently used for construction on the premises;
 - (3) Merchandise located on service station pump islands.
- (d) The screening required in this section shall consist of earth mounds, berms, or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.
- (e) Required screening shall be as approved by the city council. Existing land uses may be required to install screening if so ordered by the city council following public hearing.

(Code 1993, § 9-14.01(5))

Sec. 113-373 - Landscaping

apply to the planting of crops and to yard grades that result in elevations that impede vision within 15 feet of any intersecting street right-of-way lines.

- (d) Minimum distance for access drives from corners shall be no closer than 20 feet from intersecting street right-of-way lines.

(Code 1993, § 9-14.01(9))

Sec. 113-377 - Storage of hazardous materials and explosives

- (a) All existing uses shall comply with this standard by January 1, 1989.
- (b) All uses associated with the bulk storage of over 2,000 gallons of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a conditional use permit in order that the zoning administrator may have assurance that fire, explosion, water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. All existing, aboveground liquid storage tanks having a capacity in excess of 2,000 gallons shall secure a conditional use permit within 12 months following enactment of the ordinance from which this chapter is derived; the zoning administrator shall require the development of diking around said tanks, suitably sealed to hold a leakage capacity equal to 115 percent of the tank capacity. Any existing storage tank that, in the opinion of the planning commission, constitutes a hazard to the public safety shall discontinue operations within five years following enactment of the ordinance from which this chapter is derived.
- (c) No activities involving the commercial storage, use or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically permitted by the city council. Such materials shall include but not be confined to all primary explosives such as lead azide and mercury fulminate, all high explosives and boosters such as TNT, tetryl and nitrates, propellants and components thereof such as nitrocellulose, black powder and nitroglycerine, blasting explosives such as dynamite, and nuclear fuel and reactor elements such as uranium 235 and plutonium. Explosives shall include grain storage and other dust sources.

(Code 1993, § 9-14.01(10))

~~Sec. 113-378 - Fall-out shelters~~

~~Fall-out shelters may be permitted in any district, subject to the yard regulations of the district. Such shelters may contain or be contained in other structures or be constructed separately, and in addition to shelter use, may be used for any use permitted in the district, subject to the district regulations on such use. A certificate of compliance for these and similar structures shall be required.~~ [HBL4]

(Code 1993, § 9-14.01(11))

~~Sec. 113-379 - Guesthouses~~

- (b) *Permit required; application; inspection.*
- (1) *Building permit.* No swimming pool shall be constructed, excavated or established in the city without first obtaining a building permit.
 - (2) *Application.* An application for permit shall be submitted to the building inspector which includes the type and size of the pool, together with a site plan containing the following information:
 - a. Complete plans and specifications for the construction of the pool.
 - b. A site plan showing the location of all existing structures on the lot including house, garage, fences; location of existing underground or overhead wiring, utility easements, trees and similar other significant improvements or natural features; and location of structures on adjacent lots.
 - c. The proposed location of pumps, filters, wiring, electrical sources, protective fencing, back flush and drainage outlets, grading plans and finish elevation around the pool.
 - (3) *Inspection.* All wiring, installation of heating units, grading, installation of pipe, or other construction shall be subject to inspection and shall conform to the state building code.
- (c) *Minimum setback requirements.*
- (1) *Utility lines.* No pool shall be located within ten feet (measured horizontally) of underground or overhead utility lines of all types.
 - (2) *Easements.* No pool shall be located within any private or public utility, drainage, walkway or other easement.
 - (3) *Special rules; single-family districts.* Special rules for pools in single-family residential districts:
 - a. *Rear yard setback.* No pool shall be located within eight feet of any rear lot line.
 - b. *Side yard setback.* No pool shall be located within five feet of any side lot line.
 - c. *Front yard setback.* No pool shall be located within five feet of any required front yard.
 - d. *Setback to existing structures.* No pool shall be located within six feet of any principal structure or footing.
 - e. *Setback requirements for pool equipment.* No pool filter unit, pump, heating unit and/or any other noisemaking mechanical equipment shall be located within 25 feet of any residential structure on adjacent property and not closer than eight feet to any lot line.
 - (4) *Special rules; two-family or multiple-family.* This paragraph applies to pools in two-family residential districts or multiple-family residential districts. Private swimming pools intended for and used by occupants and guests of occupants of multiple-family dwellings shall adhere to the following regulations:

- d. In place until a permanent fence completely enclosing the pool is installed to the specifications identified above and said fence is approved by the building inspector. Said installation and approval shall be achieved no later than ten days after the building inspector authorized the filling of the pool.
- (f) *Additional permits.*
 - (1) *Separate permit for certain structures.* Unless included within the swimming pool permit, a separate building permit shall be required for any pump house, filter house, pool enclosure or any other structure erected in conjunction with a swimming pool. Such structures shall conform to all provisions of the building code. Such structures shall also conform to the setback requirements set forth in subsection (c) of this section.
 - (2) *Permit required for changes.* All changes, alterations or improvements made to swimming pools or accessory structures other than routine maintenance shall require a permit.

(Code 1993, § 9-14.01(15))

Sec. 113-383 - Service stations

- (a) *Conformance with minimum requirements.* Before a permit for a service station is granted, the minimum requirements of the zoning district in which the service station is to be located shall be met.
- (b) *Regulations.* A drainage system, subject to approval by the city engineer, shall be installed. The entire site other than that taken up by a structure or planting, shall be surfaced with concrete or other material approved by the zoning administrator. Pump islands shall not be placed in the required yards. A box curb not less than six inches above grade shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveways at a property line shall be less than 50 feet from the intersection of two street right-of-way lines. Each service station shall have at least two driveways with a minimum distance of 170 feet between centerlines when located on the street.
- (c) *Parking regulations.* No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be awaiting service longer than 15 days.
- (d) *Exterior storage; items for sale.* Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise. Existing service stations shall comply with this requirement within three months of the effective date of the ordinance from which this chapter is derived.
- (e) *Screening; maintenance.* All areas utilized for the storage, disposal of debris, discarded parts and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean and safe manner. Existing service stations shall comply with this requirement within nine months of the effective date of the ordinance from which this chapter is derived.

public safety and efficient traffic flow. The zoning administrator may refer the request for an access drive permit onto a road to the planning commission for their comments.

(d) *Design/construction standards.* Driveway/accessway design and construction standards are as follows:

(1) For all driveways (resurfaced, reconfigured, reconstructed, relocated, new):

- a. All driveways and off-street parking areas shall be permanently surfaced with either concrete or asphalt or impervious decorative pavement such as brick between the street and garage. (This does not require the resurfacing of existing driveways with parallel tracks into one contiguous surface.)
- b. The minimum pavement thickness for asphalt driveways shall be two inches of bituminous surfacing on four inches of aggregate base. The minimum pavement thickness for concrete driveways shall be 3½ inches of concrete for R-1 and R-2 structures and six inches of concrete for multiple-family and commercial buildings. Two inches of aggregate base is required for all concrete driveways.
- c. The minimum driveway slope as measured from the edge of the street to the right-of-way line, shall be one percent and the maximum driveway slope shall be ten percent.
- d. In areas where sidewalks currently exist, all new or reconstructed driveways shall require six inches deep concrete sidewalk to be constructed to match the existing sidewalk width, when the existing sidewalk is affected by the permanent change.

(2) For new, reconfigured and relocated driveways:

- a. All new driveways connecting to existing concrete curb and gutter section shall be constructed with a five-foot radius. The existing concrete curb and gutter at the driveway opening shall be removed from the nearest joints to the driveway location. Saw cutting of the existing curb will not be allowed. Concrete gutter shall be placed through the driveway opening to properly drain the street. Expansion joint material shall be placed at the curb, sidewalk (if applicable) and right-of-way line as part of the driveway construction.
- b. The minimum driveway angle to the street, at the driveway opening, shall be 60 degrees.
- c. Setbacks:
 1. Driveways must be at least five feet from any rear or side lot line.
 2. Driveways must meet the corner side yard setback requirements for garages in section 113-240(e).
 3. Driveways shall not be closer than three feet to any single- or two-family residence or five feet to any multiple-family building or commercial building.
- d. Openings:
 1. Driveway openings shall be a minimum of five feet from the side yard property line.

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

Clear cutting means the removal of all live vegetation in excess of six inches in diameter at four feet of height on any area of 20,000 square feet or more in size.

Selective cutting means the removal of single scattered live trees or shrubs in excess of six inches in diameter at four feet of height.

- (b) *Clear cutting prohibited.* Clear cutting of vegetation shall not be permitted within any required yard of any lot or parcel within any zoning use district except as may be approved by the zoning administrator.
- (c) *Selective cutting conditional.* Selective tree cutting may occur on any lot provided any cutting on slopes of greater than 18 percent shall require a soil conservation district revegetation plan prior to issuance of a building permit.

(Code 1993, § 9-14.01(20))

Sec. 113-388 - Building permits and visual standards

- (a) *Appearance of city.* It is hereby affirmed as essential public policy that the appearance of the city is a proper matter for public concern, and that all open spaces, buildings, signs, plantings and surfaces which may be seen from the public ways are subject to regulation and the provisions of this chapter.
- (b) *Information submitted to zoning administrator.* Before construction may begin and before a permit is issued for any building, structure or land use other than a one-family, detached dwelling home, a complete set of plans shall be submitted to the zoning administrator including lot size, building location, drives, parking, loading areas, storage, utilities, fences, sidewalks, screening, landscaping, exterior elevation of the proposed building, and such other information as may be required or requested.
- (c) *Refusal of construction permit.* The zoning administrator may, in any case, submit said plans for review by the planning commission and may refuse to issue construction permits if the development design is deemed incompatible with adjacent and nearby land uses and development and/or not meeting the general standards for appearance established by existing development throughout the city.

(Code 1993, § 9-14.01(21))

Sec. 113-389 - Quasi-public structures

No quasi-public structure shall be located within the public right-of-way except by conditional use permit. Such structures shall include trash containers, bicycle racks, benches, planting boxes, awnings, flagpoles, light standards, stairs, light wells, loading well, church directional signs, bus stop shelters and similar uses including vehicle parking.

(Code 1993, § 9-14.01(22))

- (7) No signs other than those normally utilized in a residential district shall be permitted.
- (8) No over-the-counter retail or wholesale sales shall be permitted.
- (9) Entrance to the home occupation shall be gained from within the structure with no separate exterior entrance.
- (10) No stock in trade shall be stored on the premises.
- (11) Only occupants of the dwelling unit may engage in the home occupation.
- (12) No more than 20 two-way additional vehicle trips per day shall be generated by a home occupation.
- (13) No home occupation shall be permitted which requires the use of commercial vehicle more often than would normally be expected in a residential district. For the purpose of this section, commercial vehicle shall be defined as a nonpassenger vehicle (as passenger vehicle is defined in section 113-310(1)d.).
- (14) No home occupation shall produce light, glare, noise, odor or vibration that has an objectionable effect on a nearby property.
- (15) No equipment shall be used in a home occupation that creates electrical interference to surrounding property owners' radio or television signals.
- (16) No home occupation shall be conducted between the hours of 9:00 p.m. and 9:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 10:00 a.m. on weekends and holidays.
- (17) No home occupation shall cause an increase in sewer or water usage that exceeds the normal range for residents in the city.
- (18) Not more than 20 percent of the gross area of the dwelling unit shall be used to conduct a home occupation. The appearance of a residential dwelling shall in no way be changed or altered in a manner which would cause the premises to differ from its residential character.

(Code 1993, § 9-14.01(24); Ord. No. 0-93-09, §§ 1-3, 11-24-1993)

Sec. 113-392 - Prohibited dwelling units

No cellar, garage, tent, trailer, basement, or unfinished home or accessory building, shall be used as a dwelling unit, unless classified and permitted as an accessory dwelling unit.

(Code 1993, § 9-14.01(25))

Sec. 113-393 - Solar systems

Access to sunlight for active and passive solar systems shall be protected in accordance with the City Code and all applicable state statutes and regulations.

(Code 1993, § 9-14.01(27); Ord. No. 13-05, § 3, 11-13-2013)

- (6) *Fire protection.* The permittee shall, at his or her own expense, take adequate steps to insure fire protection as determined by the fire chief.
- (7) *Duration of special event.* Special events are allowed only on the days and hours specified on the permit. Special events must end by 9:00 p.m. and may not commence before 7:00 a.m. All structures, equipment, displays and refuse must be removed within 24 hours of the end time and date specified on the permit. Setting up for the event may commence not more than 24 hours before the time and date specified on the permit. No set up or removal activities shall occur between 10:00 p.m. and 7:00 a.m. An event may not exceed two consecutive calendar days and not more than one special event is allowed on a property at a time. There shall be no more than three special events per calendar year per property. However, each tenant in a multi-tenant building shall be permitted one special event per year. Multi-tenant buildings with less than five lease spaces shall be considered as a single property for purposes of this provision.
- (8) *Cleanup plan.* The special event applicant is responsible for cleanup. Any cleanup required by the city may be charged to the applicant. Any city service that requires overtime will be at the expense of the applicant.
- (9) *Accessory use.* The special event must be accessory to or promoting the established permitted or conditional use of the site.
- (10) *Structures.* Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted plan and provided that it is determined by the city administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site. Temporary structures must be in compliance with applicable statutory and ordinance requirements.
- (11) *Parking.* The submitted plan shall clearly demonstrate that adequate parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the city administrator, who shall consider the nature of the event and the applicable parking requirements of article VI, division 2 of this chapter. Consideration shall be given to the parking needs and requirements of other occupants in the case of multi-tenant buildings. Parking on local streets is allowed provided that the petitioner arranges for traffic control by off-duty police officers, as approved in writing by the police chief, at the petitioner's expense. If off-street parking on private property not owned by the applicant is to be used for the event, written approval from that property's owner must be submitted with the permit application.
- (12) *Signage.* Signage related to the special event shall be in compliance with the temporary sign standards of article VII of this chapter and shall be allowed for the duration of the event. The city administrator may authorize special signage for purposes of traffic direction and control; the erection and removal of such signage shall be the responsibility of the applicant.
- (13) *Display of permit.* The approved permit shall be displayed on the premises for the duration of the event.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-406 - Denial of permit

If the city administrator denies the permit, the permit applicant may appeal the decision to the city council by filing a notice of appeal with the city clerk within ten days.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-407 - Transferability

No permit granted under this division shall be transferred to any other person or place without consent of the city administrator, upon written application made therefore.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-408 - Enforcement and penalties

- (a) The police department and other such officers, employees, or agents as the city council or city administrator may designate, shall enforce the provisions of this division.
- (b) The holding of a special event in violation of any provision of this division shall be deemed a public nuisance and may be abated as such.
- (c) Any person violating any provision of this division is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-409 - Revocation of permit

The permit for a special event may be revoked by the city administrator for failure to comply with the provisions of this division and conditions of the permit. The revocation may be appealed to the city council by filing a written notice of appeal within ten days of the revocation with the city clerk.

(Ord. No. 13-01, § 2, 4-10-2013)

Secs. 113-410 – 113-414 - Reserved

ARTICLE VII - SIGNS

DIVISION 1 - GENERALLY

Sec. 113-415 - Noncommercial speech

- (d) *Expiration of permit.* If the work authorized under an erection permit has not been completed within six months after the date of issuance, the permit shall become null and void.

(Code 1993, § 9-13.01(1)-(4); Ord. No. 08-03, § 2, 8-27-2008)

Sec. 113-417 - Periodic inspection

The zoning administrator shall inspect every three years or at such other times as deemed necessary each sign, except residential, regulated by this article, to ascertain whether the same is secure or insecure and whether it is in need of removal or repair. To meet the expenses of such inspection, the permittee thereof shall pay to the city a fee as established and required by the city council. No inspection fee other than the original permit fee shall be charged during the calendar year in which the sign or other advertising structure is erected. The zoning administrator may maintain on file a photograph of any or all signs in place in the city; a new photograph may be taken at the time of each inspection.

(Code 1993, § 9-13.01(5))

Sec. 113-418 - Height abovegrade level

Except for necessary poles, uprights, pedestals, and other supporting structural elements, no portion of any sign shall be less than eight feet abovegrade level except for ground signs that are designed such that they present no hazard to pedestrians or vehicles. Signs that are erected near public streets or other vehicular drives shall be erected at sufficient height to avoid contact with said vehicles.

(Code 1993, § 9-13.01(6))

Sec. 113-419 - General setback requirements

Except as provided by conditional use permit, in any district, any portion of any sign exceeding 1½ square feet shall be set back ten feet from any street right-of-way line and five feet from any residentially zoned property line.

(Code 1993, § 9-13.01(7))

Sec. 113-420 - Painting requirement

The owner of any sign as defined and regulated by this article shall be required to have such sign properly painted at least once every two years, or as needed, including all parts and supports of the sign, and structures and backs of signs shall be painted a neutral color, unless such parts and supports are galvanized or treated otherwise to prevent rust. The need for painting shall be as determined by the zoning administrator.

(Code 1993, § 9-13.01(8))

any form, shape or manner to a fire escape nor be so placed as to interfere with an opening required for legal ventilation.

(Code 1993, § 9-13.01(12))

Sec. 113-425 - Conformity with zoning and building codes

Except as allowed under the provisions of this article relating to projecting signs, every sign for which a permit is required shall rigidly conform to the requirements of rear yards, side yards, and setback restrictions of the zoning area district, of the lot upon which such sign is to be or is located and of any lot contiguous thereto as fully as if such sign were a part of the building wall or roof, except that the lighting reflectors may project beyond the top of such sign. All signs shall be in accordance with applicable provisions of the city building code.

(Code 1993, § 9-13.01(13))

Sec. 113-426 - Nonconforming signs-Compliance

It is recognized that signs exist within zoning districts that were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- (1) No sign shall be enlarged or altered in a way which increases its nonconformity.
- (2) Should such sign or sign structure be destroyed by any means to an extent greater than 50 percent of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this section.
- (3) Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- (4) No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.
- (5) When a structure loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

(Ord. No. 08-03, § 3, 8-27-2008)

unsigned building frontage, except where a location is a corner lot, the amount may be increased by one-half square foot of sign area per front foot of building.

- b. No individual sign shall exceed 50 square feet in area.
 - c. Each real estate sales sign, temporary sign, and political sign shall not exceed 20 square feet in area.
 - d. Each nameplate sign shall not exceed 40 square feet in area.
- (4) Height. The top of the display shall not exceed ten feet above the average grade for pedestal and ground signs, and not higher than the outside wall or parapet for wall signs.
 - (5) Setback. Any sign over six square feet shall be set back at least ten feet from any lot line. In no case shall any part of a sign be closer than two feet to a vertical line drawn at the property line. All signs over 20 square feet shall be set back at least 50 feet from any residential district.
 - (6) Corner lots. In the case of corner lots, the longer of the two walls may be used to compute all usable sign area.
 - (7) Alleys shall not be considered a public street.
 - (8) Signs on nonconforming uses shall be considered as if zoned B-1.
 - (9) The owner or lessee of any sign, or the owner of the land on which the sign is located shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and the street and also for a distance of six feet behind and at the ends of said sign.
- (b) *Business districts B-1 and B-3.*
- (1) *Types of signs allowed.* Business, nameplate, identification, illuminated, ground, pedestal, political, real estate sales, temporary, wall and courtesy bench signs. Dynamic display signs are permitted in B-3 districts only.
 - (2) *Number of each type of sign allowed per lot frontage.* One real estate sales sign, two temporary signs, one nameplate sign, one political sign for each candidate, and one business sign or one shopping center sign. If a shopping center sign is used, each business establishment located in the shopping center shall also be permitted one business or nameplate sign. Courtesy bench signs are permitted on licensed courtesy benches.
 - (3) *Size:*
 - a. Except as provided herein, the total square footage of permanent sign area for each business shall not exceed two square feet of sign area for each lineal foot of unsigned building frontage, except where a location is a corner lot, the amount may be increased by one square foot of sign area per front foot of building along a side lot line.
 - b. No individual sign shall exceed 150 square feet in area.
 - c. Each real estate sales sign, temporary sign, and political sign shall not exceed 20 square feet in area.

- (2) Any combination of signs or lights which cast light on property zoned for residential use shall not exceed 0.4 footcandle meter reading as measured from any part of said residential area.
 - (3) In no instance shall exposed light bulbs be utilized to light signs, property, or merchandise for sale or rent. Said lights shall be hooded or controlled in some manner so as to direct light away from public streets or adjacent to nearby property.
- (c) No sign may be brighter than is necessary for clear and adequate visibility.
 - (d) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
 - (e) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

(Code 1993, § 9-13.03(3); Ord. No. 08-03, § 6, 8-27-2008)

Sec. 113-472 - Signs in public right-of-way

Signs shall not be permitted within the public right-of-way or easements except as follows:

- (1) Public traffic control signs are permitted in any right-of-way.
- (2) Signs erected by the city or the jurisdiction controlling the right of way.
- (3) Courtesy bench signs are permitted on courtesy benches in the zoning districts specified herein.

(Code 1993, § 9-13.03(4); Ord. No. 05-01, § 6, 1-12-2005)

Sec. 113-473 - Flashing signs

Devices giving off an intermittent or rotating beam of rays of light shall be prohibited, except dynamic display signs, symbols or numerals indicating time and temperature as long as the display does not change more frequently than every 30 seconds. In no event, however, shall any light be permitted which may be confused with lights from a snowplow, police car, ambulance, or other emergency vehicle.

(Code 1993, § 9-13.03(5); Ord. No. 08-03, § 7, 8-27-2008)

Sec. 113-474 - Temporary and election signs

Temporary signs shall be permitted in any district in any yard area provided there shall be no more than three such signs on any lot and the total area of such signs shall not exceed 32 square feet. Temporary signs shall include election signs on residential property, commercial special sale signs, special occasion signs, garage sales, and similar signs. Election signs are

Signs on vacant lots shall be permitted in accordance with this article except where governed by building frontage; in such cases, front footage of public right-of-way shall be utilized.

(Code 1993, § 9-13.03(10))

Sec. 113-479 - Rooftop displays and aerial searchlights

Rooftop balloons and rooftop displays are not permitted except in a commercial zone for a maximum of five days for a business grand opening or a special civic event sponsored or endorsed by the city council. A temporary sign permit is required for the balloon. Aerial searchlights are not permitted.

(Code 1993, § 9-13.03(11); Ord. No. 0-93-05, § 1, 5-26-1993)

Sec. 113-480 - Signs on windows and doors

This chapter does not apply to interior signs painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portion of doors except that such signs shall not be permitted in the B-1 district.

(Code 1993, § 9-13.03(12))

Sec. 113-481 - Ground signs

- (a) No ground sign shall be erected, constructed, altered, rebuilt, or relocated to a height exceeding 20 feet above ground.
- (b) The bottom of the facing of every ground sign shall be at least 30 inches above the ground, which space may be filled with platform or decorative trim of light wood, metal construction, brick, planters or plantings, etc.
- (c) No private sign shall be erected, constructed, or maintained within the boundary of any street, avenue, highway, alley or public ground of the city, county or state.
- (d) Portable signs supported by frames or posts rigidly attached to bases shall be so proportioned that the weight and size of the bases are adequate to resist the wind pressure specified in the building code. Such signs shall not exceed five feet in height or 15 square feet in area.
- (e) The owner of a lot upon which there is a ground sign or the person occupying such lot or both are hereby required to keep such lot and such ground sign clean, sanitary, inoffensive and free and clear of all obnoxious substances and unsightly conditions.

(Code 1993, § 9-13.03(13))

Sec. 113-482 - Moving or revolving signs (motion signs)

Moving or revolving signs shall not be permitted except by the granting of a variance.

(Code 1993, § 9-13.03(20))

Sec. 113-489 - Advertising signs

Advertising signs are prohibited. By October 1, 1985, all advertising signs shall be considered to be fully amortized and shall be removed by the owners.

(Code 1993, § 9-13.03(22))

Sec. 113-490 - Multifaced signs

Multifaced signs shall not exceed two times the allowed square footage of single-faced signs.

(Code 1993, § 9-13.03(23))

Sec. 113-491 - Large signs

Except for more restrictive subsections of this sign section, no sign that exceeds 100 square feet in area shall be erected or maintained that would:

- (1) Prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street for a distance of 500 feet.
- (2) Be closer than 1,350 feet to a national, state, or local park, historic site, picnic or rest area, church or school.
- (3) Be closer than 100 feet to residential structures.

(Code 1993, § 9-13.03(24))

Sec. 113-492 - Dynamic display signs

Dynamic displays on signs are permitted subject to the following conditions:

- (1) No dynamic display sign shall be located within 150 feet of a residential district lot line.
- (2) Dynamic display signs are subordinate to ground and pedestal signs and must not be the predominant feature of the sign area. A dynamic display shall not occupy more than 25 percent of the sign area. Only one dynamic display is allowed per sign face.
- (3) The images and messages displayed must be static, and a dynamic display shall display no more than one static image and/or message per 24-hour period, except when changes are necessary to correct the time and temperature information. Time and temperature information is considered a dynamic display and may not be included as a component of any other dynamic display. Except for time and temperature, change shall take place between 9:00 a.m. and noon.
- (4) No dynamic display sign shall use more than one color of lighting. That is, it shall render images with one constant hue and brightness on an unlighted background.

flood damages which result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-502 - Permit requirements

- (a) No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the zoning administrator.
- (b) No manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the zoning administrator for each change.
- (c) No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the zoning administrator.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-503 - Permit application

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the zoning administrator before the issuance of a permit will be considered.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-504 - Duties of the zoning administrator

- (a) The zoning administrator is appointed as the person responsible for receiving applications and examining the plans and specifications for the proposed construction or development.
- (b) After reviewing the application, the zoning administrator may require any additional measures which are necessary to meet the minimum requirements of this article.
- (c) The zoning administrator shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-505 - Review of permit application

- (1) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
- (2) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-509 - Annexations and extraterritorial jurisdiction

The city shall not approve any development located in a special flood hazard area (SFHA) outside the corporate limits unless such development or plat is in the accordance with the floodplain ordinance that meets the minimum federal (44 CFR 60.3), state (Minnesota Regulation Parts 6120.5000 through 6120.6200), and local requirements for development within a special flood hazard area.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-510 - Greater restriction

Where this article and other regulations conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 09-02, § 2, 8-12-2009)

Footnotes:

¹ **State Law reference** – Zoning generally, Minn. Stats. § 462.357.

² **State Law reference** – Conditional use permits, Minn. Stats. § 462.3595; conditional uses, Minn. Stats. § 462.357, subds. 1b, 8.

³ **Editor's note** – Ord. No. 09-03, adopted Sept. 9, 2009 is a summary of Ord. 09-02 for publication purposes. It states: "This ordinance amends Chapter 13 of the Falcon Heights City Code, the zoning ordinance, concerning floodplain regulations. This ordinance adopts a model floodplain ordinance provided by the Minnesota Department of Natural Resources. The ordinance provides the general regulations for development in areas located in the floodplain, addresses potential conflicts with other City ordinances, delineates permitted uses, provides provisions for variances, regulates non-conformities and outlines penalties for violations."

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ARTICLE I - IN GENERAL

Sec. 105-1 - Placement of addresses on principal structures

- (a) *Purpose.* The placement of numbers indicating correct addresses on all principal structures and accessory dwelling units within the city is deemed to be in the interests of health, welfare and safety of its residents. Properly numbered structures will allow for identification for police and fire protection purposes.
- (b) *Numbered addresses.* All residential structures and garages abutting alleys shall have the proper street address affixed as designated by the city. All businesses or commercial establishments shall have the proper street addresses affixed to both the front and back of the establishment.
- (c) *Requirements.* All letters shall be a minimum of four inches in height.

(Code 1993, § 5-3.04)

Sec. 105-2 - Fire code

The Minnesota State Fire Code, as now or hereafter amended, is hereby adopted by reference. A copy shall be available in the city offices.

(Code 1993, § 2-3.02)

State Law reference – State fire code, Minn. Stats. § 299F.011; adoption by reference, Minn. Stats. § 471.62.

Secs. 105-3 – 105-22 - Reserved

ARTICLE II - STATE BUILDING CODE

Sec. 105-23 - Codes adopted by reference

ARTICLE III - PROPERTY MAINTENANCE¹

Sec. 105-56 - General requirements

The requirements of this article apply to all buildings, structures and property within the city. All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with city and state codes must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-57 - Purpose

The purpose of this article is to protect, preserve, and promote the physical and mental health of the people, investigate and control communicable diseases, regulate privately and publicly-owned dwellings for the purpose of sanitation and public health, and protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings now in existence or constructed in the future and which (i) establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location, and amount of space for human occupancy, and for safe and sanitary maintenance; (ii) determines the responsibilities of owners, operators and occupants of dwellings; and (iii) provides for the administration and enforcement of this article.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-58 - International Property Maintenance Code adopted

The International Property Maintenance Code, 2012 Edition, is hereby adopted by reference and incorporated herein, subject to the amendments set forth in this article.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-59 - Deletions

The following sections of the International Property Maintenance Code are deleted: 302.4, 302.8, 303, 307, 402.1, 404.4.1, 404.5, 503.4, Chapter 8 all sections.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-60 - Amendments

The following sections of the International Property Maintenance Code are amended to read as follows:

Section 101.1 Title

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to impose a special assessment in accordance with Section 106.3.

Section 108.1 General

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be subject to the provisions of this Code.

Section 108.2 Closing of Vacant Structures

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be assessed to the real estate upon which the structure is located.

Section 108.3 Notice

Whenever the code official has determined a structure or equipment is unsafe, a structure is unfit for human occupancy or a structure is unlawful under the provisions of this Article, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the unsafe equipment. The notice shall be in the form prescribed in Section 107.2.

Section 108.4 Posting

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall place a posting on the premises or on the defective equipment which shall provide a statement of the penalties for occupying the premises or operating the equipment.

Section 108.4.1 Posting Removal

The code official shall provide written approval and remove the posting whenever the defect or defects upon which the enforcement action and posting were based have been eliminated. It shall be unlawful for any person to deface, obscure or remove a posting without the approval of the code official. Any person who defaces, obscures or removes a posting shall be subject to the penalties provided by this Code.

procedure may be used either concurrently with, or separate from, the procedures prescribed in this Code.

Section 112.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

Section 201.3 Terms Defined in Other Codes

Where terms are not defined in this Code and are defined in the Falcon Heights City Code or the Minnesota State Building Code, such terms shall have the meanings ascribed to them as stated in those codes.

Section 304.14 Insect Screens

Except for owner-occupied residential dwellings, during the period from May 15 to October 15 every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 305.1 General

The interior of a rental structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. The property owner is ultimately responsible for the whole property.

Section 307.1 General

Every exterior and interior flight of stairs shall have handrails on both sides of the stair.

Exception: Stairs having four or more risers and permitted by the Minnesota State Building Code to be less than 44" wide may have handrails on one side. Stairs having less than four risers and permitted by the Minnesota State Building Code to be less than 44" wide are not required to have handrails.

Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.

Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3 Heat supply

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 15 to maintain a temperature of not less than 68°F (20°C) at a distance 3 feet above floor level in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature shall be -15 °F.

Section 602.4 Occupiable Work Spaces

Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 15 to maintain a temperature of not less than 65°F (18°C) at a distance 3 feet above floor level during the period the spaces are occupied.

Section 604.2 Service

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the currently adopted National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section 605.2 Receptacles

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area and bathroom in a dwelling shall contain at least one receptacle. Any electrical outlet within six feet of a water source or water outlet shall include operable ground fault circuit interrupter protection.

Section 606.1 General

Elevators, dumbwaiters and escalators shall be maintained in compliance with Minnesota Elevators and Related Devices Code. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in Minnesota Elevators and Related Devices Code, except where otherwise specified by the authority having jurisdiction.

Section 702.1 General

ARTICLE IV - RENTAL HOUSING²

Sec. 105-86 - Purpose

It is the purpose of this article to protect the public health, safety and welfare of citizens of the city who have as their place of abode a living unit furnished to them for the payment of a rental charge to another by adopting licensing regulations for all rental dwellings and multifamily rental dwellings in the city.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 9, 9-11-2019)

Sec. 105-87 - Definitions

For the purposes of this article, the terms defined in this section shall have the meanings given them as follows:

Compliance official means the city administrator or his or her designee.

Operate means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling/multifamily rental dwelling.

Rental dwelling means any single-family dwelling, accessory dwelling unit, duplex dwelling or triplex dwelling, which is rented for more than four consecutive months in any calendar year. Rental dwelling does not include Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

Multifamily rental dwelling means any building or portion thereof, including the real property upon which it is located and which surrounds it, that contains four or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a common entrance and have a common owner that are being rented out. Multifamily rental dwelling does not include Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 10, 9-11-2019)

Sec. 105-88 - License required

No person, firm, partnership, corporation or other legal entity shall operate a rental dwelling or multifamily rental dwelling in the city without first obtaining a license. The license is issued annually and is valid until the date of expiration. Changes that result in a 25% change in ownership of a property requires a new license. The new owner(s) must submit an application for a new license within thirty calendar days of acquiring the property. Property owners that are listed on a stock exchange are exempt from section 105-88.^[HBL1]

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 11, 9-11-2019)

Sec. 105-89 - Application for licenses

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 13, 9-11-2019)

Sec. 105-92 - License fees

The license fees shall be in the amount established by the City Council. Failure to pay the license fee for renewal of a license is a violation of this article.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 14, 9-11-2019)

Sec. 105-93 - Furnish license

Every registrant of a rental dwelling/multifamily rental dwelling shall be given a copy of the license. The license shall contain a statement that the tenant or tenants may contact the attorney general for information regarding the rights and obligations of owners and tenants under state law. The statement shall include the telephone number and address of the attorney general.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 15, 9-11-2019)

Sec. 105-94 - City inspections

- (a) Rental dwellings shall be inspected by the compliance official or designated representative in their entirety every 24 months. An application and payment is required annually on a continuous basis. Rental dwellings that fail their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official. Rental dwellings that fail their first inspection will be subjected to an inspection the subsequent year.
- (b) Multifamily rental dwellings shall be inspected by the compliance official or designated representative every 24 months. An inspection will be made of the common areas of the property. An application and payment is required annually on a continuous basis. Multifamily rental dwellings that fail their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official. Multifamily rental dwellings that fail their first inspection will be subjected to an inspection the subsequent year.
- (c) Pursuant to this section, the compliance official shall make inspections to determine the condition of rental dwellings/multifamily rental dwellings located within the city for the purpose of enforcing the rental licensing standards. The compliance official or designated representative may enter, examine and survey at all reasonable times all rental dwellings/multifamily rental dwellings and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry by the compliance official or designate representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises.
- (d) The city may, upon receipt of a creditable third party complaint or a complaint by residents with reasonable concerns, require an inspection of rental dwellings/multifamily

- a. Resident, members of the resident's household, guests, or other persons under the resident's control shall not engage in criminal activity, engage in any act intended to facilitate criminal activity, or permit the dwelling unit to be used for or facilitate criminal activity on or near the premises.
- b. Three criminal activity violations involving the same tenancy within a continuous 12-month period shall be a substantial and material violation of the lease and good cause for termination of the tenancy.
- c. Notwithstanding the above provision, criminal activity that jeopardizes the health, safety, and welfare of the landlord, his or her agent, other residents, neighbors or other third party, or involving imminent or actual serious property damage shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

(3) *Definitions.*

- a. The term "criminal activity" means the violation of the following:
 - 1. Minn. Stats. §§ 609.75 through 609.76, which prohibit gambling;
 - 2. Minn. Stats. §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
 - 3. Minn. Stats. § 340A.401, which prohibit the unlawful sale of alcoholic beverages;
 - 4. Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 30-3 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;
 - 5. Minn. Stats. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter;
 - 6. Minn. Stats. §§ 609.221 , 609.222, 609.223, and 609.2231 which prohibit assault;
 - 7. Minn. Stats. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
 - 8. Minn. Stats. §§ 609.52 which prohibit theft;
 - 9. Minn. Stats. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
 - 10. Minn. Stats. § 609.582 which prohibit burglary;
 - 11. Minn. Stats. § 609.595 which prohibit damage to property;
 - 12. Chapter 22, article III of this Code, which prohibits nuisances;
 - 13. Minn. Stats. § 609.72, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation; and

a call for assistance from any source. The term "domestic abuse" has the meaning given in Minn. Stat. § 518B.01, subd. 2.

(Ord. No. 13-06, § 1, 12-11-2013)

Sec. 105-97 - Revocation, suspension, and civil fines

- (a) *Violations.* The following actions by property owners or license holders are misdemeanors and are subject to civil penalties, may constitute the basis for revocation of licenses and/or may result in injunctive action by the city. The property owner shall be responsible for the conduct of its agents or employees while engaged in normal business activities on the licensed premises. Any violation of this article shall be considered an act of the property owner or license holder for purposes of imposing a civil penalty or license revocation. If a license is revoked it is unlawful for the owner to permit new occupancy of any vacant rental unit, or any units that become vacant during license injunction.
- (b) *Basis for sanctions.* The compliance official may revoke, suspend, deny or decline to renew any license issued under this article for part or all of a rental dwelling/multifamily rental dwelling upon any of the following grounds:
- (1) *Leasing without a license.* Leasing residential units without a license is subject to license suspension or revocation;
 - (2) *Violation of codes.* Violation of the city maintenance code, building code, or fire code;
 - (3) *Hazardous or uninhabitable units.* Leasing units that are deemed hazardous or uninhabitable or units within a building that are deemed hazardous or uninhabitable;
 - (4) *Commission of a felony.* Commission of a felony related to the licensed activity by the property owner or manager;
 - (5) *Consideration of suspension or revocation.* At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license, the license may be brought forth to the city council for consideration of license suspension or revocation;
 - (6) *Updated application requirement.* Failure to provide an updated application with current information within 30 days of application renewal request from the city;
 - (7) *False statements.* False statements on any application or other information or report required by this article to be given by the applicant or licensee;
 - (8) *Fees.* Failure to pay any application, inspection, penalty, reinspection or reinstatement fee required either by this section or city council resolution. Fee amounts are subjected to change through the city fee schedule;
 - (9) *Correction of deficiencies.* Failure to correct dwelling deficiencies in the time specified in a compliance order;
 - (10) *Inspection.* Failure to schedule an inspection within 90 days of application filed and/or allow an authorized inspection of a rental dwelling/multifamily rental dwelling;

be a misdemeanor offense

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 18, 9-11-2019)

Sec. 105-98 - Hearing on penalties, revocation, violation, suspension and civil fines

- (a) *Hearing.* Following receipt of a notice of denial or nonrenewal issued by the compliance official or a notice of a violation and penalty issued under section 105-97 of this article, an applicant or license holder may request a hearing before the city council. A request for a hearing shall be made by the applicant or license holder in writing and filed with the compliance official or compliance official's designee within ten days of the mailing of the notice of denial or alleged violation. Following receipt of a written request for hearing, the applicant or license holder shall be afforded an opportunity for a hearing before a committee consisting of the compliance official or compliance official's designees. After the committee conducts the hearing it shall report its findings and make a recommendation to the full city council.
- (b) *Findings.* If after the hearing the applicant or license holder is found ineligible for a license, or in violation of this article, the council may affirm the denial, impose a civil penalty, suspend, or revoke a license or impose any combination thereof.
- (c) *Default.* If the applicant or license holder has been provided written notice of the denial, nonrenewal, or violation and if no request for a hearing is filed within the ten-day period, then the denial or revocation take immediate effect by default. The compliance official or designee shall mail notice of the denial, fine, suspension, or revocation to the applicant or license holder. The compliance official shall investigate compliance with the denial or revocation.
- (d) *Penalties for default.* Failure to comply with all terms of this section during the term of revocation, suspension or nonrenewal is a misdemeanor and grounds for extension of the term of revocation, suspension or continuation of nonrenewal of the license.
- (e) *Appeal.* Following receipt of a decision by the compliance official to deny, revoke, suspend, or not renew a license, the owner/licensee may request a hearing before the city council. The request must be made in writing to the compliance official within ten days of the compliance official's decision.
- (f) *Written notice, hearing.* A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given an opportunity for a hearing before the city council before final action to revoke, suspend, deny, or not renew a license. A hearing will be conducted before the city council at a public meeting, or the city council may retain an administrative hearing officer or other impartial third party to conduct the public hearing. The licensee shall have the right to be represented by counsel, the right to respond to the charged violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the city council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal

- (c) The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.
- (d) The decision of the compliance official shall not be voided by the filing of such appeal. Only after the city council has held its hearing will the decision of the compliance official be affected.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 19, 9-11-2019)

Sec. 105-100 - Applicable laws

Licenses shall be subject to all of the ordinances of the city and the State of Minnesota relating to rental dwellings/multifamily rental dwellings; and this article shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 20, 9-11-2019)

Sec. 105-101 - Multiple suspensions

If the license of more than one dwelling unit in a licensed premises is suspended within 12 months, the period of suspension for the second and subsequent dwelling units licensed that are suspended may be doubled for the suspension period specified in section 105-96.

(Ord. No. 13-06, § 1, 12-11-2013)

Secs. 105-102 – 105-109 - Reserved

ARTICLE V - ELECTRICAL REGULATIONS³

Sec. 105-110 - Purpose; application of this article

- (a) The purpose of this article is to implement the provisions of the Minnesota State Building Code and Minnesota Rules Chapter 1315 which adopts the National Electrical Code.
- (b) The provisions of this article shall apply to all installations of electrical conductors, fittings, devices, fixtures hereinafter referred to as "electrical equipment", within or on public and private buildings and premises, with the following general exceptions. The provisions of this article do not apply to the installations in mines, ships, railway cars, aircraft, automotive equipment or the installations or equipment employed by a railway, electric or communication utility in the exercise of its functions as a utility, except as otherwise provided in this article.
- (c) As used in this article, "reasonably safe to persons and property" as applied to electrical installations and electrical equipment means safe to use in the service for which the installation or equipment is intended without unnecessary hazard to life, limb or property.

(Ord. No. 11-02, § 1, 7-13-2011; Ord. No. 21-01, § 4, 01-13-2021)

Sec. 105-112 - Standards for electrical equipment installation

- (a) All installations of electrical equipment shall be reasonably safe to persons and property and in conformity with the provisions of this article and the applicable statutes of the state and all orders, rules and regulations issued by the authority thereof. All electrical equipment shall be listed and labeled by a testing agency.
- (b) Conformity of installations of electrical equipment with applicable regulations set forth in the current National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that such installations are reasonably safe to persons and property. Noncompliance with the provisions of this article or the National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that the installation is not reasonably safe to persons and property.
- (c) The electrical inspector may, with approval of the building official, authorize installations of special wiring methods other than herein provided for.
- (d) Buildings or structures moved from without to within and within the limits of the city shall conform to all of the requirements of this Code for new buildings or structures.
- (e) Existing buildings or structures hereafter changed in use shall conform in all respects to the requirements of this Code for the new use.

(Ord. No. 11-02, § 1, 7-13-2011)

Sec. 105-113 - Connections to installations

- (a) It shall be unlawful for any person to make connections from a supply of electricity to any electrical equipment for the installation of which a permit is required or which has been disconnected or ordered to be disconnected by the electrical inspector.
- (b) The public or private utility providing services shall disconnect the same upon a written order from the electrical inspector, if the inspector considers any electrical installation unsafe to life and property or installed contrary to this Code.

(Ord. No. 11-02, § 1, 7-13-2011)

Sec. 105-114 - Permits and inspectors

- (a) *Permit required.* An electrical permit is required for each installation, alteration, addition or repair of electrical work for light, heat and power within the limits of the city. Permits for the installation of electrical work in new structures shall only be issued to electrical contractors duly licensed by the state. Permits for the installation, alteration, addition or repair of electrical work in existing structures shall only be issued to electrical contractors duly licensed by the state or to resident owners of property where the work is to be done.
- (b) *Public service corporation exception.* No permit shall be required for electrical installations of equipment owned, leased, operated or maintained by a public service corporation which is used

for such work as is found to be in conformity with the provisions of this section, after the fee required has been paid.

- (2) When any electrical equipment is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the electrical inspector and such equipment shall not be concealed until it has been inspected and approved by the electrical inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such scheduled inspection; provided, that on large installations where the concealment of equipment proceeds continuously, the person installing the electrical equipment shall give the electrical inspector due notice and inspections shall be made periodically during the progress of the work.
- (3) If upon inspection, the installation is not found to be fully in conformity with the provisions of this section, the electrical inspector shall at once forward to the person making the installation a written notice stating the defects which have been found to exist.

(Ord. No. 11-02, § 1, 7-13-2011)

Secs. 105-115 through 105-119. Reserved.

(Ord. No. 22-01, § 2, 7-13-2022)

ARTICLE VI – VACANT PROPERTIES

Sec. 105-120. - Definitions

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

Compliance official has the meaning assigned in Sec. 105-87.

Vacant Properties means a property with a building or buildings constructed or reconstructed for a business or residential purpose that is unoccupied. This definition does not include an uninhabited accessory dwelling unit, unless both the accessory dwelling unit and single-family residence are unoccupied.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-121. - Policy

The purpose of this subsection is to protect the public health, safety, and welfare by establishing a program for the identification and registration of vacant Properties within the City.

(Ord. No. 22-01, § 1, 7-13-2022)

- (a) Discontinuance of trash service;
 - (b) Disconnection from water or sewer service; or
 - (c) Water usage of less than an average of 50 gallons over a three-month period.
- (2) Vacant Properties are not required to register or pay the registration fee if any of the following apply:
- (a) the City or any governmental entity is the owner of the vacant property;
 - (b) the owner possesses a valid building permit for remodeling the building located thereon or for construction of a new building on such property;
 - (c) there is a valid, unexpired business license issued by the City;
 - (d) there is a valid, unexpired residential rental license issued pursuant to Article IV of Chapter 105;
 - (e) there is a valid development agreement or redevelopment agreement with the City; or
 - (f) the property is actively marked as “for sale” at a reasonable price by the owner or the owner’s designee, broker, or agent. It is the obligation of the vacant Property owner to produce evidence of active marketing at a reasonable price to claim this exemption. A property listed on the MLS (multiple listing service) or similar listing service is presumed to be actively marketed.
- (3) The following vacant Properties are required to register, but the registration fee is waived;
- (a) Residential properties with one or two dwelling units where the owner intends to resume occupancy of at least one unit as a dwelling within 180 days; provided, however, that failure to actually resume use of the vacant Property as a dwelling within 180 days will result in imposition of the waived registration fee; or
 - (b) The City Administrator may grant a waiver of the registration fee one time for an owner suffering hardship and for which the registration fee is a burden.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-124 - Recordkeeping

The compliance official shall maintain a record of all vacant buildings that have become known to the compliance official, including those registered and those not registered.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-125 - Fees.

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	<p>The total estimate for the pavilion option is \$1.165M. Staff has asked that HCM provide renderings of this option, which should be available by Wednesday. The pictured pavilion is Northwest Greenway Pavilion in Plymouth, which was \$1.75M in 2019 and 4,871 sf. Our proposed structure would be smaller, but could follow similar principles. We also have requested an option that would of a simpler pavilion structure that is larger but less per square foot cost.</p> <p>This is an opportunity to now review these estimates to rehab the building or to build a new outdoor pavilion and to discuss all options, which may include:</p> <ol style="list-style-type: none"> 1. Renovating the existing park building 2. Constructing a new outdoor pavilion 3. Put the project on hold 4. Consider whether to cut portions of the project to reduce costs
Budget Impact	TBD
Attachment(s)	<ul style="list-style-type: none"> • Facility Condition Review • Facility Condition Review Appendix • MEP Assessment • Pavilion Concept Plan • Pavilion Cost Comparison
Action(s) Requested	The City Council is requested to review the renovation estimate provided by Kraus-Anderson, the outdoor pavilion estimate from HCM and to discuss the next steps in the park renovation.

Executive Summary

City of Falcon Heights requested a facility condition review of the Community Park facility to better understand the current condition along with cost to bring the building up to current code.

The Community Park building was originally constructed in 1982 and was utilized as a warming house. Eventually, the building was used for events and camps. Up until 2019, the park was renting the space to the public for events. Per the discussion during the walkthrough, it was noted that very little maintenance has been completed on the building since the original construction.

Facility Name	Vintage	Construction Type
Community Park Building	1982	Single Story CMU wood truss framed roof and covered patio



Figure 1. Community Park building

The goal of the Facility Condition Review was intended to provide a non-destructive, visual inspection of the property for the following systems:

- *02- Site Work:* Site lighting, transformer, parking lots/structures, stormwater, curb, green space, etc.
- *03- Building Structure:* Non-engineering review of structure- identify points of concern
- *04- Foundation/Slab-on-Grade:* Basements, loading docks, slabs, etc.
- *05- Exterior Enclosure:* Façades, exterior walls, exterior doors, windows, building penetrations
- *06- Roofs:* Roof review, roof drainage, flashing, coping, etc.
- *07- Interior Construction:* Phased replacement budgeting only
- *08- FF&E:* Phase replacement budgeting only
- *09- Special Construction:* Pools, data centers, etc.
- *10- Conveyance:* Elevators, escalators, chair lifts, etc.
- *11- Fire Protection:* Protection, detection, panels
- *12- Plumbing Systems:* Water Heaters, softeners, sumps, sewer, med gas, etc.
- *13- HVAC:* Heating, Ventilation, cooling, boilers, AHUs, etc.

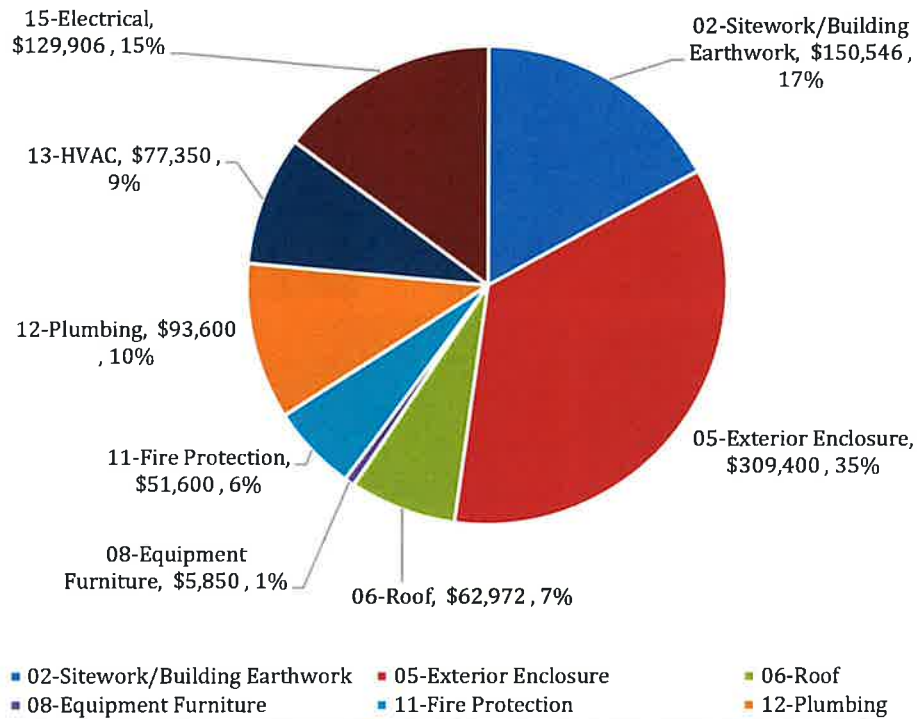
- Per Jack Linehan, the sanitary sewer line that serves the facility is broken. The break is approximately 200' out from the building, located under Roselawn Ave W.
- All plumbing fixtures are original and should be replaced.
- Existing 40-gallon natural gas water heater is original and past it's life expectancy.
- No recirculation pump.
- No mixing valves present.
- Fire Protection
 - Existing wet system serves the facility.
 - No fire panel and is not required per code.
 - The attic space is not sprinkled.
- Electrical
 - Main electrical service is 200A 120/240V single phase panel. Original and should be replaced in the next 5 years.
 - Fluorescent lighting throughout interior controlled by manual switches. Recommend updating to LED.
 - Metal halide lighting exterior lighting. Recommend updating to LED.
 - Update all lighting controls for both interior and exterior to meet current code requirements.
 - Existing power outlets throughout should be upgraded – new wiring and outlets
- Cameras/Card Access
 - No card access or security cameras exist for building.

Based upon our rough cost estimating- the facility will require a level of investment over the next 10 years of nearly \$1.4M. To simply get the building systems up to code, it will cost approximately \$881K. That number is with the removal of any interior construction renovations. This number will need to be reviewed by City of Falcon Heights staff and reviewed prior to final deliverable of the report.

02-Sitework/Building Earthwork	\$	150,546
05-Exterior Enclosure	\$	309,400
06-Roof	\$	62,972
07-Interior Construction	\$	522,015
08-Equipment Furniture	\$	5,850
11-Fire Protection	\$	51,600
12-Plumbing	\$	93,600
13-HVAC	\$	77,350
15-Electrical	\$	129,906
Grand Total	\$	1,403,240

Total cost including interior renovations.

Percentage Breakdown of Costs per Discipline



Percentage Breakdown of Costs per Discipline, excluding interior renovations.

Facility Condition Review

The following sections are the high-level findings for each major division of construction. The report is not intended to be a full-finding of all conclusions but highlight some of the more major considerations. More detail is available via the Digital Site Report and the long-term facility maintenance planning tool.

02-Sitework

- Parking lot is in poor condition with alligator cracking visible throughout along with some sections of sub-base exposed. There is also no striping visible. Per conversations with Jack Linehan, the parking lot is included in a different improvement plan. The parking lot replacement cost along with restriping is included in the estimating but outside of the 10-year deferred maintenance plan.
- Sidewalks are overall in poor condition. There are several areas of the sidewalk around the perimeter of building have trip hazards from uplift and cracking. Recommend full replacement of the sidewalks except for the one along the north elevation.
- Concrete patio/pad is in poor condition. The patio appears to be settling in the corners which has caused the columns to develop step cracking. Recommend full replacement of the patio.
- Bituminous walking path that meets the concrete sidewalks has settled differently than the stoops causing a non-compliant accessible approach. It is recommended to grind the leading edges of the concrete to create a sloped transition.



Southeast facade – Wood siding missing and paint flaking



Southwest facade – Wood siding loose and paint flaking

Windows:

The existing windows are original and are beyond their life expectancy. The clearstory windows are showing signs of broken seals with moisture and fog trapped in between the panes. Window caulking is failing on the windows around perimeter. Broken window covered with plywood on southwest elevation. Replacement is recommended.



1982 original doors located on North elevation – rust damage



1982 original doors located at east and west entries – missing sweeps and seals

06-Roof Systems

The existing roof is an asphalt shingled roof is assumed to be the original from 1982 and is beyond its life expectancy. Evidence of past roof leaks were observed along the exterior soffit. Soffit missing along the north elevation.



Interiors – Restrooms and Kitchen outdated finishes

08-Equipment/Furniture

The facility has kitchen with an electric stove, a residential fridge and dishwasher. All are in fair condition and are nearing the end of their life expectancy. Recommend replacement.

Note: There is an exhaust hood for the stove however it doesn't appear to exhaust to the exterior.

09-Special Construction

N/A for this report.

10-Conveyance

N/A for this report.

11-Fire Protection

The Community Park facility has a wet fire sprinkler system. There is no fire alarm monitoring the facility, however it is not required per code due to occupancy. The attic space is not currently sprinkled. It is recommended to add a dry system to the attic space and overhangs.

Please reference the MEP Systems Condition Assessment completed by Emanuelson-Podas dated July 3, 2024 for further information.

12-Plumbing

Plumbing for the facility was in overall good condition and is vintage to the age of the facility. Per Jack Linehan, the sanitary sewer line that serves the facility is broken. The break is approximately 200' out from the building, located under Roselawn Ave W. For an operable facility, the sanitary sewer line must be repaired. All plumbing fixtures within the restrooms and kitchen are original and should be replaced. Existing 40-gallon natural gas water heater is original and past it's life expectancy. There is no recirculation pump or mixing valves present. Recommended addition of both.



Existing furnaces and unit heater



Existing in-floor duct work in main activity room and electric wall unit heaters in vestibules

14-HVAC Controls

No BAS. Thermostat controlled.

15-Electrical

The switchgear is 1982 vintage. Main electrical service is 200A 120/240V single phase panel. It is recommended to be replaced in the next 5 years.

There is fluorescent lighting throughout interior controlled by manual switches. Recommend updating all lighting to LED. There is metal halide lighting exterior lighting. Recommend updating to all to LED.

It is recommended that all lighting controls for both interior and exterior be replaced to meet current code requirements. The existing power outlets throughout should be upgraded – new wiring and outlets.

Condition Assessment Summary

Introduction

The following report includes an MEP systems assessment of existing facility based on a site review performed June 25, 2024.

Any equipment and service sizes are estimates and are for rough project cost estimates only.

Facilities Assessment

Mechanical System

Assessment

- The building is served by (2) gas fired, atmospheric furnaces with natural gas fired burner, supply fan, and filter rack. There is no outside air or cooling to either system. System supply ducts appear to be zoned together with one space thermostat. Supply air ductwork extends up into uninsulated attic space to serve restrooms and kitchen and extends below floor, to floor supply grilles in large room. Return air ductwork extend up into uninsulated attic space to high wall grilles in large room. Units are original, in poor condition and are past normal life expectancy.
- Each restroom and kitchen are served by individual ceiling exhaust and ducted through roof to roof cap. Units are original, in poor condition and are past normal life expectancy.
- Gas fire, atmospheric unit heater located in utility room with wall mounted thermostat. Unit is original and past normal life expectancy.
- Combustion air duct extends into utility room from roof hood for furnaces and unit heater.
- Electric wall mounted fan forced heaters in each vestibule. Units are original and past normal life expectancy.

Recommendation

- Remove all existing gas fired furnaces, supply ductwork, return ductwork, diffusers, grilles, controls, etc. Abandon below floor ductwork and seal below floor. Remove all ceiling exhaust fans, exhaust ductwork, grilles, and controls. Remove combustion air ductwork.
- Provide new 2 ton, 2-stage sealed combustion high efficiency gas fired furnace with Dx cooling coil, MERV 13 filter rack, economizer mixing box, 2-stage condensing unit and programmable wall thermostat to serve restrooms, kitchen and utility room. Supply ductwork to be routed through large room in new soffits and extend back into areas served in attic with R-12 insulation. Return ductwork to extend into soffit plenum with top return grilles. Outside air to extend and connect to wall louver.
- Provide new 4 ton, 2-stage sealed combustion high efficiency gas fired furnace with Dx cooling coil, MERV 13 filter rack, economizer mixing box, 2-stage condensing unit and programmable wall thermostat to serve large room. Supply ductwork to be routed through large room in new soffits with side wall long throw diffusers. Return ductwork to extend into soffit plenum with top return grilles. Outside air to extend and connect to wall louver.
- Provide new energy recovery units with 100% outside air, 800 CFM, heat exchanger, supply fan, exhaust fan. Exhaust ductwork to extend in attic to ceiling exhaust grilles in each restroom and kitchen. Supply ductwork to extend and connect to furnace return air ductwork. Outside air to extend and connect to wall louver. Exhaust to extend and connect to wall louver.
- Remove existing gas fired unit heater, flue, controls, etc Provide new sealed combustion gas fired unit heater with low voltage wall thermostat and flue up through roof.
- Remove electric heaters in vestibules and replace with new.

Condition Assessment Summary

Recommendation

- Add code required thermostatic mixing valves at each lavatory sink.
- Add insulation to existing water piping (where accessible)
- Remove existing restroom sink faucets, flush valves and toilet seats and provide new sensor operated. Existing toilet, urinal & sink to remain.
- Remove existing kitchen sink and faucet and replace with new.
- Replace existing electric water cooler with similar with bottle filler.



Main Water Service into Building



Existing Kitchen Sink



Typical Restroom Plumbing Fixtures



Condition Assessment Summary



Existing Natural Gas Service.

Fire Protection

Assessment

- Existing combination water service into building with wet fire riser. Sprinkler piping extending exposed into each space.
- Sprinkler system does not currently serve attic space or exterior overhangs.

Recommendation

- Add dry pipe assembly to existing fire riser.
- Modify existing branch and main piping in open area to conceal in new soffits.
- Modify existing branch and main piping serving restrooms and kitchen, relocate into unconditioned attic space.
- Extend new branch piping into exterior overhangs.

Condition Assessment Summary



Lighting & Controls

Assessment

- Existing interior lighting appears to be fluorescent type lighting fixtures. All lighting fixtures within building are in various stages of disrepair and functionality.
- Existing exterior lighting fixtures are dated and likely to be metal-halide fixtures. Fixtures functionality is unknown but presumed to be in a similar state to those fixtures inside.
- Interior lighting controls are a mixture of flip switches and motion sensors. Motion sensor functionality is unknown.
- Exterior lighting controls appear to be mechanical time switches and manual breaker switches.

Recommendation

- Replace all lighting, interior and exterior, with new LED lighting.
- Replace all lighting controls, interior and exterior, with new code compliant controls.

Condition Assessment Summary

Power Distribution and Connections

Assessment

- The wiring and devices throughout the building is typical for the age and type of space. The system is in a state of disrepair and is unknown the total functionality.

Recommendation

- Provide all new wiring and devices.







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City of Falcon Heights 2024 City Council Meeting and Workshop Agenda Calendar

<p>January 3, 2024 Workshop Meeting (Joint meeting with the Parks and Rec Commission)</p>	<ul style="list-style-type: none"> • Community Park Renovation
<p>January 10, 2024 Regular Meeting</p>	<ul style="list-style-type: none"> • Designation of Official Newspaper • Oath in Office • Resolution Designating the Official Depositories • Review Elected Official Out-of-State Travel Policy • Commission Member Reappointments (second term) • Mile Reimbursement Rate • Council Appointment as Liaison for City Commissions (MOVED – FEBRUARY WORKSHOP) • Review and Adopt Council Standing Rules and Council / Advisory Commission Roles and Guidelines (MOVED – FEBRUARY WORKSHOP) • Appoint Acting Mayor • Data Practices Policy • Pay Equity Report (2023, 2026, 2028) • Ramsey County Polling Place Agreement
<p>January 24, 2024 Regular Meeting</p>	<ul style="list-style-type: none"> • Council Appointments • Review of Council Rules/ Advisory Guidelines • State Fair Task Force Recommendations
<p>February 7, 2024 Workshop Meeting</p>	<ul style="list-style-type: none"> • Goff Public - Media Training • Council Standing Rules Discussion • Council Appointments • State Fair Task Force Next Steps • Future Agenda Items
<p>February 14, 2024 Regular Meeting</p>	<ul style="list-style-type: none"> • Council Appointments • Approval of Council Rules/ Advisory Guidelines • Roselawn Ave. Bid Release

	<ul style="list-style-type: none"> • Consideration of Policing Partnership with the City of St. Anthony Village
May 8, 2024 Regular Meeting	<ul style="list-style-type: none"> • Annual Comprehensive Financial Report • Pay Estimate #1 – Larpenteur Street Lights • Letter of Support – FH Community Church Flood Mitigation Project
May 8, 2024 Special Workshop	<ul style="list-style-type: none"> • Street light banners • Future Agenda Items
May 22, 2024 Regular Meeting	<ul style="list-style-type: none"> • Summer Hours
June 5, 2024 Workshop	<ul style="list-style-type: none"> • Community Park Bond Financing Options • Assessment Policy
June 12, 2024 Regular Meeting	<ul style="list-style-type: none"> • Restoration of FH Monuments and Gazebo • Accept Grant Funds from U of M Good Neighbor Fund • Accept Donation of Little Free Library • Pay Estimate #2 – Larpenteur Street Lights
June 12, 2024 Special Workshop	<ul style="list-style-type: none"> • Larpenteur & Snelling Corridor Development Study Update
June 26, 2024 Regular Meeting	<ul style="list-style-type: none"> • Cooperative Maintenance Agreement of Rain Gardens
July 3, 2024 Workshop	<ul style="list-style-type: none"> • Pedicab Ordinance • Streetlight Banner Contest • State Fair Task Force Liaison
July 10, 2024 Regular Meeting	<ul style="list-style-type: none"> • Data Practices Policy (due by August; do {again} in July only if personnel has changed since January. • Night to Unite Proclamation
July 24, 2024 Regular Meeting	<ul style="list-style-type: none"> • Request for Watershed Boundary Change
July 24, 2024 Special Workshop	<ul style="list-style-type: none"> • DEI Presentation Report • St. Anthony Village Proposed Draft Contract • Tenants’ Rights Workshop
August 7, 2024 Workshop	<ul style="list-style-type: none"> • Code Updates • Community Park Pricing Discussion

Brooklyn Park

July 18	Ice Cream Social	5:00 to 7:00 PM	Community Park
August 6	Night to Unite	5:00 to 9:00 PM	Various Neighborhoods
September 14	Citywide Garage Sale	9:00 AM to 3:00 PM	Various Neighborhoods
December __	Human Rights Day	Time TBD	City Hall