

## Chapter 1011. Property Performance Standards

### 1011.01 Statement of Purpose and Applicability

- A. This Chapter establishes requirements pertaining to:
1. Environmental regulations in all districts
  2. Landscaping and screening in all districts
  3. Tree preservation and restoration in all districts
  4. Lot controls in all districts
  5. Visibility triangles in all districts
  6. Height exemptions in all districts
  7. Fences in all districts
  8. Essential services in all districts
  9. Solar energy systems in all districts
  10. Additional standards in all non-LDR districts
  11. Additional standards for specific uses in all districts
- B. The purpose of this Chapter is to establish regulations of general applicability to property throughout the City, to establish regulations for certain specific uses that are allowed in multiple districts, to promote the orderly development and use of land, minimize conflicts between uses of land, and protect the public health, safety, and welfare. The regulations set forth in this Chapter shall apply to all structures and uses of land, except as otherwise provided in this Title.

### 1011.02 Environmental Regulations in All Districts

- A. **Statement of Purpose:** The purpose of this Section is to establish standards for activities within all zoning districts that have the potential to affect the natural environment or the livability of residential or employment areas.
- B. **Compliance:** All uses must comply with the environmental standards established in this section unless any federal, state, county or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard will apply. All applicants for building permits in non-residential districts and/or non-residential uses shall demonstrate compliance with the performance standard set forth in this Section. An application for building permit shall not be deemed complete until a showing by the applicant that they meet the standards herein.
- C. **In General:** All uses shall be conducted so as to prevent any nuisance, hazard or commonly recognized offensive

conditions, including creation or emission of noise, smoke and particulate matter, toxic or nontoxic matter, odors, vibrations, glare or heat, and the use of explosives.

1. Noise: Any use established shall be so operated that no noise resulting from said operation which would constitute a nuisance is perceptible beyond the premises. This does not apply to incidental traffic, parking and off-street loading operations.
2. Smoke And Particulate Matter: The emission of smoke or particulate matter is prohibited where such emission is perceptible beyond the premises to the degree as to constitute a nuisance.
3. Toxic Or Noxious Matter: No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located, toxic or noxious matter of such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.
4. Odors: The emission of odorous matter in such quantities as to be readily detectable beyond the boundaries of the immediate site is prohibited.
5. Vibrations: Any use creating periodic earthshaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be prohibited if such vibrations are perceptible beyond the boundaries of the immediate site.
6. Glare or Heat: Any operation producing intense glare or heat shall be performed within a completely enclosed building.
7. Explosives: No activities involving the storage, utilization or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically licensed by the city council. Such materials shall include, but not be confined to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.

**1011.03 Landscaping and Screening in All Districts**

**A. Landscaping Generally:**

1. Purpose. The City recognizes the aesthetic, ecological, and economic value of landscaping in both the natural and built environments, and has established minimum landscaping and screening requirements applicable throughout the City to serve the following objectives:
  - a. Protect the health, safety, and general welfare of the community;
  - b. Deter crime through the use of good environmental design practices;
  - c. Promote the reestablishment of vegetation in the community for aesthetic, health, and wildlife reasons;
  - d. Improve ground water quality;
  - e. Reduce storm water runoff;
  - f. Promote compatibility between land uses by reducing the visual, noise, dust, and lighting impacts of specific development on users of the site and abutting uses;
  - g. Aid in energy conservation by providing shade from the sun and shelter from the wind;
  - h. Safeguard and enhance property values;
  - i. Encourage a resourceful and prudent approach to urban development and break up expanses of paved areas and provide surface shade;
  - j. Provide incentives for creative land use and good site design which preserves existing trees and maintenance of existing vegetation; and
  - k. Provide an objective method for the replacement of trees.
2. Applicability: The Community Development Department may require additional landscaping or alter the placement of the landscaping as deemed appropriate.
3. Minimum Landscape Requirements:
  - a. All open areas of a lot that are not used for buildings, parking or circulation areas, patios, or storage shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover materials, and other site design features to ensure soil stabilization. This shall not apply to undisturbed areas retained in a natural state.
  - b. All landscaping and site improvements shall be completed within 1 year after the certificate of occupancy has been issued.

- c. An underground sprinkler system shall be installed in all landscaped areas except areas to be preserved in a natural state or where all proposed plant materials are drought-tolerant. Where drought-tolerant plant materials are used, irrigation shall be required only for the 2-year period following the installation and may be accomplished using hoses, water trucks, or other nonpermanent means.
- d. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the subject site, to the immediate perimeter of the structure, parking areas, and along areas to be screened.
- e. The following minimum number of plant materials shall be provided:
  - i. One and two-family dwellings constructed after January 1, 2011 shall plant 1 tree per lot in the boulevard. The boulevard tree shall be of a species identified in the City of Roseville Street Tree Master Plan for streets and boulevards and shall be planted according to City requirements.
  - ii. Multi-family residential dwellings shall require 1 canopy or evergreen tree per dwelling unit.
  - iii. Non-Residential uses shall require the greater of:
    - 1 canopy or evergreen tree per 1,000 square feet of gross building floor area; or
    - 1 canopy or evergreen tree per 50 lineal feet of site perimeter;
  - iv. Up to 25% of the required number of canopy or evergreen trees may be substituted with ornamental trees at a ratio of 2 ornamental trees to 1 canopy or evergreen tree.
  - v. Except for one- and two-family dwellings, shrubs shall be required at the greater of the following:
    - 6 shrubs per 1,000 square feet of gross building floor area; or
    - 6 shrubs per 50 lineal feet of site perimeter.
  - vi. In a mixed-use building or development, each use shall be calculated separately to determine minimum landscape requirements.

- f. The City encourages the use of native plant materials that provide interest and color in the winter.
4. Plant Material Standards:
    - a. The complement of trees required shall be at least 25% deciduous and at least 25% coniferous. Not more than 30% of the required number of trees shall be composed of a single species.
    - b. Minimum Size of Plantings: Caliper inches to be measured 6 inches off the ground.
      - i. Canopy tree: 3-inch caliper
      - ii. Ornamental tree: 1.5-inch caliper
      - iii. Evergreen tree: 6-foot height
      - iv. Deciduous or evergreen shrub: 5-gallon pot
  5. Method of Installation:
    - a. The spacing of trees shall be appropriate to the type of plant species provided. Evergreen shrubs shall be planted in clusters in order to maximize survival.
    - b. Visibility triangles shall be maintained as required in Section 1011.06 by selecting and locating landscaping and design features that do not exceed the height limitation in visibility triangles.
    - c. All deciduous shrubs and spreading or globe evergreen shrubs shall be moved onto the site in pots. All other plant materials shall be balled and burlapped (B&B) or moved onto the site with a tree spade.
    - d. In calculating the required plant material under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number.
  6. Alternative Landscape Options: The City encourages the use of special design features such as xeriscaping, raingardens/bioswales, rooftop gardens, native landscapes, integrated pedestrian facilities, and public art. To encourage the use of these special design features the city acknowledges a degree of flexibility may be necessary to adjust to unique situations. This subsection provides such flexibility and presents alternative ways to meet the standards set for in this section. The alternatives provided below are discretionary and are subject to approval of the Community Development Department, unless the development application requires approval by the City Council, in which case the City Council shall approve the alternative landscape plan. Landscape requirements may be modified if the proposal meets any of the following:

- a. It is of exceptional design that includes amenities such as public art, public seating, an outdoor plaza, green rooftop, recreational benefit, and/or transit shelter.
  - b. It is deemed equivalent to the minimum requirements of this Section and complies with the purpose and objectives of this Section.
  - c. It will allow a site plan that is more consistent with the character of the area.
  - d. It will result in the retention of more existing significant trees.
  - e. It better accommodates or improves the existing physical conditions of the subject property.
  - f. The topography decreases or eliminates the need for visual screening.
  - g. It does not reduce the effect of required screening.
  - h. Efforts are made to create interest by providing a variety of colors and textures.
7. Required Landscape Plan: With the exception of one- and two-family dwellings, a detailed landscape plan shall be submitted for review and approval by the Community Development Department for all new developments, additions, or modifications to existing developments, or when changes are made to existing landscape plans. Landscape plans shall be prepared by a registered landscape architect or other qualified individual as determined by the Community Development Department. The landscape plan shall be drawn to a scale of not smaller than 1 inch equals 50 feet. The locations and materials which are to be used in landscaping existing and proposed developments shall be clearly drawn and labeled on a landscape plan. The plan shall, at a minimum, show the following:
- a. Boundary lines of the property with accurate dimensions.
  - b. Locations of existing and proposed buildings, parking lots, roads, and other improvements;
  - c. Existing topography and proposed grading with contour intervals no greater than 2 feet;
  - d. Location and diameter of trees and common names of existing trees and shrubs;
  - e. Planting schedule containing symbols, quantities, common and botanical names, size of plant materials, and root condition;
  - f. Planting details illustrating proposed locations of all new plant materials;

- g. Locations and details of other landscape features including berms, retaining walls, fences, walls, sculptures, fountains, street furniture, lights, courtyards, and planters;
  - h. Details of restoration of disturbed areas including areas to be sodded or seeded;
  - i. Location and details of irrigation systems;
  - j. Details and cross sections of all required non-vegetative screening;
  - k. Description of the method to be employed for the protection of all existing landscape materials to be saved; and
  - l. Planting and installation details as necessary to ensure conformance with all required standards.
8. Maintenance: The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this Section and is the responsibility of the owner and tenant of the property on which the materials are required. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this requirement shall be a violation of this Section.
- a. All new landscape plans shall be accompanied by a landscape maintenance plan that includes all initial plant warranties, the plan for mulch restoration, and all pertinent contact information.
  - b. Plantings shall be maintained in a neat, healthy condition and comply with the site maintenance plan approved by the Community Development Department. Plantings which have died shall be promptly replaced in accordance with a landscape plan approved by the City for the site.
9. Security:
- a. Landscape Security Required: Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developer, contractor, or property owner shall deposit a security with the City to guarantee compliance with and to indemnify the City for any expenses incurred in enforcing the requirements of this Section.
    - i. One- and Two-family Dwellings: Landscape security for detached or attached one- or two-family dwellings shall be a cash escrow in the amount of \$500.00.
    - ii. All Other Uses: Landscape security for all uses except detached or attached one- or two-family dwellings shall be in a form

approved by the Community Development Department and shall be equal to 125% of the estimated cost necessary to furnish and plant the required landscaping and any ancillary screening improvements such as fencing. The estimated cost shall be subject to approval by the City. If the estimated cost submitted by the developer to the City is not approved by the City, the City shall have the exclusive right to determine the estimated cost.

- b. Landscape Inspection: The developer, contractor, or property owner shall request an inspection after the required landscaping has been installed. The Community Development Department will perform the inspection and determine compliance with the approved landscape plan.
- c. Releasing the Security: Upon the determination by the Community Development Department that a landscape installation is consistent with landscape requirements and approved plans, the security shall be released to the developer, contractor, or property owner according to the requirements below.
  - i. One- and Two-family Dwellings: A required security shall be released upon the successful inspection of the landscape installation. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied obligations.
  - ii. All Other Uses: The landscape security for all uses except detached or attached one- or two-family dwellings shall be held by the Community Development Department for a minimum of 2 full years beginning upon the successful inspection of the landscape installation. A reduction can be sought after the first year and after an inspection is requested by the developer, contractor, or property owner. If the Community Development Department determines that the landscape is established appropriately, a portion of the security may be released. That part of the security which has not been released at the end of the first year shall be retained and shall secure the remaining obligation to replant trees which are not alive or are unhealthy at the end of the year and to replant missing trees. The entire security may be released 1 year after the replanting of such trees has been

satisfactorily completed and the City has certified that those replacement trees are alive and healthy. To be certified as alive and healthy, all of the following conditions must exist:

- No tree shall have sustained mechanical injury to the trunk of a tree causing loss of more than 30% of the bark circumference of the tree at any location along the tree's trunk.
- No tree shall have had soil compacted to 6 inches deep over more than 30% of its root zone.
- No tree shall have had more than 30% of its roots cut for the installation of any utility or for any other purpose.
- No more than 25% of the crown of a tree shall consist of dead branches.

d. None of a security shall be released until the developer's, contractor's, property owner's obligations to indemnify the City for any expenses incurred in enforcing the requirements of this Section are satisfied.

10. Penalties for Violation: Any tree that is visibly damaged, has a root system that has been driven on, or has a root zone in which the soil has been compacted in any way, shall be replaced in accordance to the tree replacement formula found in Section 1011.04G. Also, any person who is not authorized by the City who removes any tree from any public property without first obtaining a permit and any person who fails to replace trees in the manner provided in this subsection shall, in addition to the criminal penalties prescribed by law, be required to pay to the City the estimated cost of tree replacement in the amount determined by the City. Upon determination that this has occurred, the City shall submit a bill for the amount of tree replacement. If that amount is not received by the City within 90 days, such amount shall be assessed as a special assessment on any land located in the City owned by the person violating this Section.

B. **Buffer Area Screening:** The setback requirements established for uses in each district are intended to act as buffers between those districts and uses, but heightened screening is appropriate between low-density residential dwellings and more intensive uses. For all new construction in all districts that lie adjacent to or across the street from LDR Districts, therefore, additional screening shall be implemented as required herein.

1. Exception: The requirements in this subsection shall be applied in addition to the preceding general landscaping requirements, except that they shall not apply to Low Density Residential or Park and Recreation Districts.
  2. Acceptable Screening: Screening requirements of this Title shall be satisfied through the use of buildings, berms, solid board-on-board fences, walls, planting screens, evergreen trees, hedges, or some combination thereof. If the topography, existing vegetation, permanent structure, or other feature creates a barrier which achieves the standards of this section, they may be substituted.
    - a. Screen Fences and Walls: Any screen fence or wall shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. Such screens shall be at least 6 feet in height and shall be 100% opaque.
    - b. Planted Screening: Any planting screens shall consist of healthy plants, shall be at least 6 feet in height, and shall be designed to provide a minimum year round opacity of 80% at the time of installation.
    - c. Notwithstanding these requirements, screening along street rights-of-way shall be maintained at a height not less than 3 feet nor more than 4 feet.
  3. Maintenance: Screen fences and walls which are in disrepair shall be promptly repaired. Planted screens shall be maintained according to the normal landscape maintenance requirement of Section 1011.03A8
- C. **Parking Lot Landscape:** Off street parking lots with more than 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture. Turf grass is permitted within landscaped areas located around the periphery of a parking lot.
1. Islands are required at the end of each row of cars, where it abuts vehicle circulation aisles or driveways, or every 15 stalls, whichever is less.
  2. Islands shall be provided to separate pedestrian and vehicular traffic.
  3. All islands shall contain a minimum of 160 square feet and a minimum dimension shall be 5 feet.
  4. At least 1 canopy tree shall be provided in each island, in addition to assorted shrubs, perennials, to assorted ornamental grass.
  5. Islands shall be prepared with clean soil to a depth of 5 feet and amended to ensure adequate drainage

and nutrient and moisture-retention levels for the establishment of plantings.

- D. All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought-tolerant plant materials are used exclusively. Where drought-tolerant plant materials are used, irrigation shall be required only for the two-year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.

#### **1011.04 Tree Preservation and Restoration in All Districts**

**A. Intent and Purpose:** The City of Roseville recognizes that trees are a significant element of the community given their beauty (adding color and interest to the urban landscape, and being a source of joy and spiritual renewal for many), their importance to the environment (purifying air and water, helping to conserve soil and energy, reduction of noise and energy consumption, and providing valuable habitat for all kinds of wildlife), and their positive impact on property values (by providing buffering, protection of privacy, and a unique sense of place within neighborhoods).

The purpose of this Section is to protect and promote this important resource by:

1. Ensuring trees are protected when they are most vulnerable: during times of development;
2. Establishing reasonable requirements for replacement of significant trees lost due to development;
3. Incentivizing the protection and planting of trees at all times for the benefits they provide;
4. Instituting plan requirements to ensure tree losses can be identified prior to development, and that adequate replacement plantings will occur following land disturbances;
5. Providing for fair, effective, and consistent enforcement of the regulations contained herein.

#### **B. Applicability**

1. The regulations in this Section shall apply to any individual, business or entity that applies for one of the below permits or approvals.
  - a. An application for platting, re-platting, or any lot division application that does not qualify as a minor lot subdivision; or
  - b. A building permit application to construct a new principal structure or seeking to expand the footprint of an existing principal structure by more than 50%; or

- c. A demolition permit seeking to remove more than 50% of a principal structure in anticipation of immediate or future redevelopment; or
    - d. A grading permit seeking to add, move, or relocate 50 cubic yards or more in all non-Shoreland Management Districts; or 10 cubic yards within the Shoreland Management District.
  - 2. If the Community Development Department determines that pre-application tree removal occurred in order to circumvent the regulations in this section, the Department may require equivalent tree replacement as if a tree preservation plan had been submitted prior to removal. Pre-application tree removal shall be considered removed within two years of application. Any costs to estimate the removal may be charged to the applicant. Said determinations may be appealed to the Board of Adjustment and Appeals under Section 1009.08 of this Title.
  - 3. Activities subject to the provisions of Chapter 1017, Shoreland, Wetland, and Storm Water Management, may require tree preservation beyond that which is required by this section. In all such instances, the more restrictive preservation standard shall apply.
  - 4. In all instances in which submissions by a degreed forester or certified arborist are required, such submissions shall be reviewed and approved by City Staff or contractors with equivalent credentials.
- C. Exemptions: The following activities are exempt from the requirements of this Section:
- 1. Tree removal related to city public improvement projects or repairs;
  - 2. Emergency removal of a tree or trees to protect public health.
- D. Trees Required to be Inventoried: All deciduous trees measuring a minimum of six (6) inches at Diameter Breast Height (DBH), and all coniferous trees that are twelve (12) feet or more in height, shall be identified on the tree preservation plan sets required by this Section.
- E. Tree Classifications: All trees required to be inventoried shall be assigned a classification as follows:
- 1. Heritage Trees:
    - a. All deciduous trees measuring equal to or greater than twenty-seven (27) inches at DBH, and all coniferous trees measuring equal to or greater than fifty (50) feet in height.
    - b. A smaller tree can be considered a heritage tree if:

- i. A degreed forester or certified arborist determines it is a rare or unusual species or of exceptional quality, or
    - ii. If it is specifically used by a developer as a focal point in a development project, and the Community Development Department concurs with the designation given the tree's location, species, and/or likelihood to become a prominent feature of the development.
  - 2. Significant Trees:
    - a. All deciduous trees with DBH measurements of twelve (12) inches or greater, but less than twenty-seven (27) inches.
    - b. All coniferous trees that are twenty-five (25) feet tall or greater, but less than fifty (50) feet in height.
  - 3. Common Trees:
    - a. All deciduous trees with DBH measurements of six (6) inches or greater, but less than twelve (12) inches.
    - b. All coniferous trees that are twelve (12) feet tall or greater, but less than twenty-five (25) feet in height.
  - 4. Exempt: In lieu of one of the above classifications, an inventoried tree may be classified as "Exempt" if a degreed forester or certified arborist certifies that one or more of the following conditions are met:
    - a. The tree is identified as an Invasive Species and must be removed.
    - b. The tree suffers from a major insect or pathological problem that cannot be resolved;
    - c. The tree is experiencing extensive decay or hollow; or
    - d. The tree has suffered damage or is in poor condition such that it has a life expectancy of less than ten (10) years.
    - e. The tree must be removed to accommodate the installation of public streets, utilities, or storm water ponding areas. Trees classified as exempt based only on this condition shall be clearly identified on plan sets and within the required matrix.
- F. Incentive Multipliers: To incentivize the protection and preservation of the most important trees within the community, the following incentive multipliers are to be used against the net preservation or loss shown on a tree preservation plan as required in Section 1011.04(G):
- 1. Heritage Trees: 2.0
  - 2. Significant Trees: 1.0
  - 3. Common Trees: 0.5

- G. Tree Preservation Plan Set Required: At the time of application for preliminary plat, grading permit, demolition permit or building permit which includes the demolition of a principal structure; a tree preservation plan meeting the following requirements, or a simplified plan set as outlined in 1011.04(H), shall be submitted by the applicant (failure to provide a complete tree preservation plan set shall be grounds to deem an application incomplete):
1. The tree preservation plans shall be prepared and signed by a degreed forester or certified arborist.
  2. The preparation date of all tree preservation plan components shall not precede the date of application by more than two (2) years.
  3. The tree preservation plan set shall consist of four (4) components.
    - a. An overall tree inventory including the following information:
      - i. Location, diameter, unique identifier, and species of all trees on the site.
      - ii. Location, diameter, unique identifier, and species of all adjacent significant trees on adjacent property whose typical root protection zone extends on to the subject property.
      - iii. Trees on the subject property shall be tagged and numbered with the unique identifier assigned to the tree as part of the overall tree inventory.
    - b. A disturbance plan showing the overall tree inventory in relation to the following and including:
      - i. Identification of which inventoried trees are:
        1. Protected, preserved, or undisturbed;
        2. Removed or disturbed (the typical root protection zone will be impacted); and
        3. Exempt [per Section 1011.04(E)(4)].
      - ii. Proposed grading contours of the site.
      - iii. Proposed location of building pads and other impervious surfaces being installed.
      - iv. Proposed disturbance zones (due to construction, grading, utility installations and other development activities) as identified by cross-hatching or gray-colored shading on the plan.
      - v. Identification of tree protection zones:
        1. At a minimum, plans must identify

- the typical root protection zone for all inventoried trees except those proposed for removal.
2. At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less protection than a typical root protection zone.
- vi. Proposed locations and details of tree protection fencing to be installed for all trees to be preserved.
- c. A final planting plan showing:
- i. The final inventory of existing trees to remain on-site following completion of all development activities.
  - ii. Location, diameter, and species of all proposed replacement trees in conformance with Section 1011.04(J).
  - iii. Location, diameter, and species of all required landscaping as required by Section 1011.03.
- d. A matrix of inventoried trees that meets the following specifications:
- i. Data for each tree shall include:
    1. A unique identification number assigned to each tree that identifies the tree on the preservation plan sets.
    2. The tree's classification as defined in Section 1011.04(E).
    3. The tree's species or common name.
    4. The actual size of deciduous trees at diameter breast height (noting if a tree is a multi-stemmed tree and how many stems exist); and for coniferous trees, the following diameter breast heights based on their classification:
      - a. Heritage Coniferous Tree:  
18 inches
      - b. Significant Coniferous Tree:  
12 inches
      - c. Common Coniferous Tree:  
6 inches
    5. An indication as to whether the tree is intended for removal, intended to

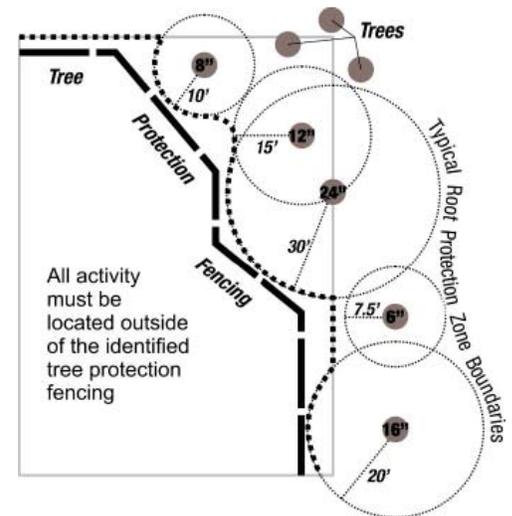
- be preserved, or is exempt due to the condition of the tree or the location of the tree in an allowed removal area.
- ii. A summary table shall be provided which includes the following:
    1. The total number of inventoried trees on the site broken down by Heritage Trees, Significant Trees, Common Trees, and Exempt Trees.
    2. The total number of diameter breast height inches on the site broken down into Heritage Trees, Significant Trees, Common Trees, and Exempt Trees.
    3. The total number of allowed diameter breast height inches that can be removed without replacement per Section 1011.04(I).
    4. The total number of trees in each category being removed.
    5. The total number of diameter breast height inches planned for removal broken down by Heritage Trees, Significant Trees, Common Trees, and Exempt Trees.
    6. The net diameter breast height inches being preserved or removed in relation to allowed removal for each tree type.
    7. A denotation of the incentive multiplier for each tree type: Heritage Trees (x2), Significant Trees (x1), Common Trees (x0.5), and Exempt Trees (x0).
    8. The final product of diameter breast height inches being preserved or removed multiplied by the incentive multiplier.
    9. The final sum of removals and credits following consideration of the incentive multiplier. Final numbers reflect caliper inches.

## Example Summary Table

	Number of Trees	Number of Diameter Inches	Allowed Removal %	Allowed Removal in Inches	Number of Trees Removed	Actual Removal in Inches	Net Removal or Net Preservation	Incentive Multiplier	Final Caliper Inches
<i>Heritage</i>	3	120	15%	18	0	0	18	2	36
<i>Significant</i>	5	60	35%	21	2	-30	-9	1	-9
<i>Common</i>	8	48	35%	17	8	-48	-31	0.5	-16
<i>Exempt</i>	12	64	100%	64	12	-64	0	0	0
<b>Total</b>	<b>28</b>	<b>292</b>		<b>120</b>	<b>22</b>	<b>-142</b>	<b>-22</b>		<b>11</b>

### H. Tree Preservation Simplified Plan Set

1. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may be submitted when trees do not exist on the site or when no activity is planned within the typical root protection zone of existing trees. Simplified plans, when pre-approved for submittal, shall include the following information:
  - a. Location of trees (both on and adjacent to the property) showing required protection zones.
    - i. At a minimum, plans must identify the typical root protection zones for each tree which forms the boundary of vegetation being protected during the proposed activity.
    - ii. At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less protection than a typical root protection zone.
  - b. Proposed grading contours of the site (if applicable).
  - c. Proposed location of building pads and other impervious surfaces being installed.
  - d. Proposed locations and details of tree protection fencing to be installed for all treed areas to be protected.
2. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may also be submitted when a significant majority of trees will be preserved on a site, and the few trees to be impacted within the area of activity will clearly not exceed allowed removal thresholds.
3. An escrow as required by 1011.04(M) shall still be required for any activity which can be permitted with a simplified Tree Preservation Plan set.



## I. Allowable Tree Removal

1. In conjunction with platting, re-platting, or any lot division that requires a tree preservation plan, the approved plan shall dictate tree preservation requirements on all new lots until such time as the lots have been developed for their intended purpose.
  - a. Inventoried trees within right-of-way(s) or easement(s) that are being used for the installation of public streets, utilities, or storm water ponding areas may be removed without required replacement.
  - b. Of all remaining inventoried trees not exempt per Section 1011.04(I)(1)(a) above, up to 15% of the total DBH-inches of all Heritage Trees, up to 35% of the total DBH-inches of all Significant Trees, and up to 35% of the total DBH-inches of all Common Trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in Section 1011.01(F).
  - c. The required final planting plan shall identify the final allowed tree removal for each lot within the proposed development.
2. Properties that are subject to the Tree Preservation requirements of Section 1011.04 due to a requested building permit, demolition permit, or grading permit shall determine allowable removal based on the following:
  - a. If a tree preservation plan set was previously approved for the site within two (2) years of the application date and the proposed activity is in substantial conformance with the approved plan as determined by the Community Development Department, then the approved plan set shall dictate allowed removals on the lot.
  - b. If a tree preservation plan was previously approved for the site within two (2) years of the application date, but the proposed activity was not authorized by the approved plan as determined by the Community Development Department, then the approved plan shall be updated.
    - i. The updated plan set shall be administratively reviewed and finalized in conjunction with the triggering permit application.
    - ii. Additional tree replacement, if deemed necessary, shall become a condition of approval for the application being requested.
    - iii. The City shall not be responsible to reimburse any party for replantings which

have already occurred if the updated plan preserves more trees than initially anticipated.

- c. If the subject lot is not party to a previously approved tree preservation plan set, then a new tree preservation plan in conformance with Section 1011.04(F) (G) or (H) shall be submitted, administratively reviewed, and finalized in conjunction with the triggering permit application.

J. Replacement Tree Specifications

- 1. The minimum size for deciduous replacement trees shall be 3-inch caliper, with each caliper inch counting towards one (1) diameter breast height inch required for replacement.
- 2. The minimum height for coniferous replacement trees shall be six (6) feet with credits for each replacement tree being in accordance with the following table:

Height Range (min 6')	Credit against Required DBH Replacement Inches
Less than 8 feet	1 inch
8 feet to less than 12 feet	2 inches
12 feet or greater	3 inches

- 3. Replacement trees shall be from balled and burlapped, certified nursery stock as defined and controlled by Minn. Stat. 18.44 through 18.61, the Plant Pest Act, as may be amended from time to time. Replacement trees may also be from bare root stock, provided the trees are planted no later than May 15<sup>th</sup> in any year, and the planting is inspected by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
- 4. Replacement trees shall be covered by a minimum 2-year guarantee in accordance with Section 1011.04(M).
- 5. When heritage trees are removed, replacement tree options shall be as determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
- 6. Replacement trees for significant and common trees may be selected by the applicant, but all final planting plans shall be subject to review and approval by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department, who will determine whether the proposed trees are suitable to the site, are well placed, and accomplish local diversity goals.
- 7. Replacement trees may be utilized to meet landscaping and screening requirement if placement, species, and location are consistent with those requirements.

8. Replacement Tree Locations: Required replacement trees shall be planted on the site being developed unless doing so is deemed to be impractical (i.e., due to lack of space), inappropriate (available planting areas are not ideal for new plantings or would do little to enhance the site), or counterproductive to a property's intent (i.e., would entail too much screening for a retail business) as determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department. When such a determination is made, the applicant shall comply with replacement requirements in one of three ways in the following manner:
  - a. As directed by the City, required replacement trees may be located on private property within 1000 feet of the subject development site with the consent of the property owner(s), on public improvement project sites that are not greater than 1000 feet from the development site, or on other public and private lands that are not greater than 1000 feet from the development site if such lands are deemed to be available, with priority given to locations near the affected use; or
  - b. The City may accept a cash-in-lieu tree replacement payment in accordance with the required fee listed in the City Fee Schedule. In no instance shall a cash-in-lieu payment exceed 10% of the Fair Market Value of the development site; or
  - c. The City may approve a combination of tree replacement in accordance with "a" above and a payment consistent with "b" above to fulfill this requirement. (Ord. 1503, 7-11-2016)

K. Tree Protection Required: All trees which are to be retained on a site shall be marked and physically protected from harm or destruction caused by soil compaction, equipment and material storage within a tree's identified protection zone, bark abrasions, changes in soil chemistry, out-of-season pruning, and root damage during construction.

1. Before any construction or grading of any development project occurs, a "safety fence" per the approved tree preservation plan shall be erected meeting the following requirements:
  - a. Must be at least 4 feet in height and staked with posts no less than every 5 feet.
  - b. Shall be placed around the identified protection zone(s) of trees to be preserved per the approved tree preservation plan.
  - c. Signs shall be placed along the fence line identifying the area as a tree protection area, and prohibiting development activities beyond the fence line.

2. The tree protection fencing shall remain in place until all grading and construction activity is terminated; failure to maintain tree protection fencing shall be grounds for issuance of a stop work order.
3. No equipment, construction materials, or soil may be stored within the identified protection zone of any inventoried tree to be preserved.
4. Care must be taken to prevent a change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
5. Drainage patterns on the site shall not change considerably causing drastic environmental changes in the soil moisture content where trees are intended to be preserved.
6. Pruning of oak trees and elm trees shall be subject to the following requirements:
  - a. Pruning of oak trees shall not occur from March 15<sup>th</sup> through July 1<sup>st</sup>.
  - b. Pruning of elm trees shall not occur from April 1<sup>st</sup> through August 31<sup>st</sup>.
  - c. On a year to year basis, the City Council may alleviate or extend the above seasonal restrictions by resolution if, in its opinion, the same is necessary for the betterment of city wide oak and elm tree populations.
  - d. If pruning of either tree type is absolutely necessary during prohibited timeframes, the City shall be notified before work begins, and the landowner shall be required to seal all wounds with a proper wound sealing paint authorized by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
7. Unplanned Loss of Trees
  - a. Any tree, not previously identified for removal, that is determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department to be destroyed or damaged as a result of development activity shall be replaced at the following rates:
 

Category	Replacement Rate
Heritage Trees	2.5
Significant Trees	1.5
Common Trees	1.0
  - b. Unauthorized tree removal which results in mandatory replacement shall require the applicant to prepare or update a final planting plan as required by

Section 1011.04(G)(3)(c). Replacement plantings shall only occur once authorized by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

L. Certification of Compliance with Approved Landscape Plan: Upon completion of construction activity and/or required landscaping, the Developer shall notify the City and request an inspection of the work. Following the inspection, the City shall notify the Developer that additional work is still required, or issue a letter finding that all plantings have been satisfactorily completed. The required warranty period for plantings shall begin on the date of the issued satisfactory completion letter.

M. Warranty Requirement

1. New Development Sites: The Developer shall provide a financial guarantee, in a form satisfactory to the City, prior to the approval or issuance of any permit for land alteration.
  - a. The amount of the guarantee shall be 125% of the estimated cost to furnish and plant replacement trees. The estimated cost shall be provided by the Developer subject to approval by the City. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of replacement trees. The City reserves the right in its sole discretion to determine the estimated cost in the event the Developer's estimated cost is not approved.
  - b. The security shall be maintained for at least 2 years after the date that the last replacement tree has been planted. Upon a showing by the Developer and such inspection as may be made by the City, that portion of the security may be released by the City equal to 125% of the estimated cost of the replacement trees which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the Developer's obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of the replanting of such trees the entire security may be released.
2. Development or Redevelopment of Existing Lots: The Developer shall provide a cash escrow in the amount of \$500.00 to guarantee compliance with the requirements of this Ordinance. Said security shall be released upon certification of compliance by the Developer to the satisfaction of the City. Notwithstanding the foregoing,

no portion of the security shall be released while there are unsatisfied Developer's obligations to indemnify the City for any expenses in enforcing this requirement.

3. The City may retain from the security required above as reimbursement an amount expended by the City to enforce the provisions of the Section.

N. **Entry on Private Property and Interference with Inspection:** The Community Development Department may enter upon private premises at any reasonable time for the purposes of enforcing the regulations set forth in this Section. No person shall unreasonably hinder, prevent, delay, or interfere with the Community Development Department while engaged in the enforcement of this Section. (Ord. 1490, 12-7-2015)

### 1011.05 Lot Controls in All Districts

- A. **Purpose:** Lot controls are established to provide for the orderly development and use of land, and to provide for adequate light, air, open space, and separation of uses.
- B. **Use of Lots:** All lots shall be used in a manner consistent with the requirements of this Title and the zoning district in which the property is located. No part of any existing lot shall be used as a separate lot or for the use of another lot, except as may be otherwise provided in the City Code.
- C. **Lots of Record:**
1. A lot of record shall be deemed a buildable lot provided it has frontage on a public right-of-way and meets the setback and size requirements for the district in which it is located.
  2. Exception: An LDR-zoned lot of record as of January 1, 2011, which does not meet the requirements of this Title as to area or width, may be utilized for one-family detached dwelling purposes provided the measurements of such lot meets 100% of the front yard, side yard and rear yard setback requirements for the district in which it is located and at least 60% of the minimum lot area and lot width requirements for the district in which it is located.
- D. **Principal Buildings in LDR Districts:** No LDR-zoned lot shall include more than 1 principal building.
- E. **Principal Buildings in Non-LDR Districts:** Lots in non-LDR districts may include more than 1 principal building, provided each building meets all of the requirements, including setbacks, of the district in which it is located.
- F. **Required Yards:** Yard requirements shall be as specified for the zoning district in which the lot is located.

**G. Yard Encroachments:** The following improvements shall not be considered as encroachments into required yards, provided they conform to the pertinent limitations.

1. Cornices, canopies, awnings, eaves, gutters, bay windows, and other ornamental features which do not extend more than 3 feet into the required yard.
2. Chimneys, air conditioning units, fire escapes, uncovered stairs, ramps, and necessary landings which do not extend more than 3 feet into the required yard.
3. Terraces, steps, uncovered porches and patios, decks, stoops, or similar features which do not extend above the height of the ground floor level of the principal structure or to a distance less than 2 feet from any lot line. Notwithstanding this requirements, patios shall not be less than 10 feet from a street right-of-way.
4. Fences constructed and maintained in accordance with the applicable provisions of this Title.

#### 1011.06 Visibility Triangles in All Districts

**A. Purpose:** This section is intended to define and regulate areas around street intersections for the purpose of preserving adequate sight lines for the safety of motorists, cyclists, and pedestrians passing through the intersections. Visibility triangles are described by locating Points A, B, and C as instructed in this Section and connecting these points with straight lines.

**B. Applicability:** Although the visibility triangles described in this section at least partially overlap land in the public right-of-way, the requirements of this section apply only to the privately owned property (i.e., land which is not in the public right-of-way) that lies within a visibility triangle.

**C. Definitions:** The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them:

1. **Street X:** At an intersection, Street X is the street of higher classification or, if intersecting streets are of equal classification, the primary street as determined by the Community Development Department.
2. **Street Y:** At an intersection, Street Y is the street of lower classification or, if intersecting streets are of equal classification, the street which is not determined by the Community Development Department to be the primary street.
3. **Width of Street:** The distance in feet measured from back-of-curb to back-of-curb or, in the absence of a curb, the distance measured perpendicularly from the edge

of the paving surface to the opposite edge of the paving surface.

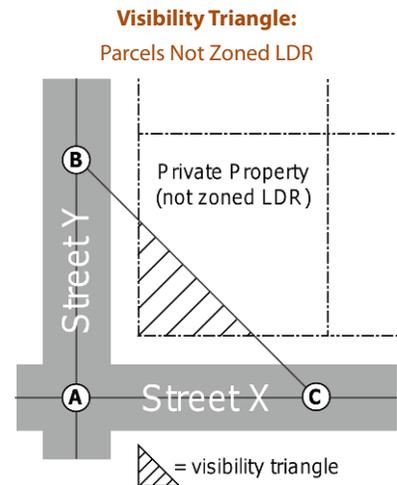
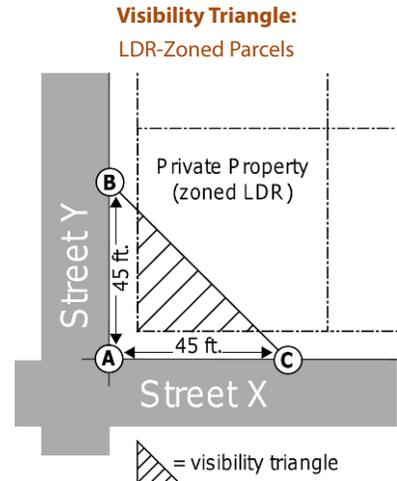
**D. Parcels Zoned Low-Density Residential:** The visibility triangle for a street intersection adjacent to an LDR-zoned parcel shall be described as follows.

1. Point A: Located by extending the curb lines (or pavement edges where there are no curbs) of Streets X and Y toward the intersection until the curb lines meet.
2. Point B: Located on the curb line of Street Y 45 feet from Point A.
3. Point C: Located on the curb line of Street X 45 feet from Point A.

**E. Parcels Not Zoned Low-Density Residential:** The regulations in this section shall apply to all private property, except LDR-zoned property, within visibility triangles.

1. Controlled Street Intersections:
  - a. Four-way Stop or Traffic Control Signal: The visibility triangle for a four-way stop or traffic signal controlled intersection shall be described as follows.
    - i. Point A: Located at the intersection of the center lines of Streets X and Y.
    - ii. Point B: Located on the center line of Street Y at a distance from Point A equal to  $1\frac{1}{2}$  times the average of the widths of Street X and Y.
$$\text{Distance from Point A to Point B} = \frac{3}{4} (\text{width of Street X} + \text{width of Street Y})$$
  - iii. Point C: Located on the center line of Street X at a distance from Point A equal to  $1\frac{1}{2}$  times the average of the widths of Streets X and Y.
$$\text{Distance from Point A to Point C} = \frac{3}{4} (\text{width of Street X} + \text{width of Street Y})$$
- b. Three-way Stop: The visibility triangle for a three-way stop at a T-intersection shall be described the same as for the four-way stop.
- c. Two-way Stop: The visibility triangle for a two-way stop controlled intersection shall be described as follows (Street Y has stop control):
  - i. Point A: Located at the intersection of the center lines of Streets X and Y.
  - ii. Point B: Located on the center line of Street Y at a distance from Point A equal to half the width of Street X plus 15 feet.

$$\text{Distance from Point A to Point B} = \left( \frac{\text{width of Street X}}{2} \right) + 15 \text{ feet}$$



- iii. Point C: Located on the center line of Street X at a distance in feet from Point A given by Table 1011-4 according to the speed limit and width of Street X.

Table 1011-4					
Width of Street X (in feet)	Speed Limit of Street X				
	30 mph	35 mph	40 mph	45 mph	50 mph
16 - 20	155	190	220	290	350
21 - 25	170	205	245	300	365
26 - 30	185	225	265	330	400
31 - 35	200	245	290	360	435
36 - 40	215	265	310	390	470
41 - 45	230	280	330	420	505
46 - 50	250	300	355	450	540
51 - 55	265	320	375	475	575
56 - 60	280	340	400	505	610

- d. One-way Stop: The visibility triangle for a one-way stop at a T-intersection shall be the same as for the two-way stop.
- e. Two-way Yield: The visibility triangle for a two-way yield controlled intersection shall be described as follows (Street Y has yield control):
  - i. Point A: Located at the intersection of the center line of Streets X and Y.
  - ii. Point B: Located on the center line of Street Y at a distance from Point A equal to half the width of Street X plus 50 feet.

*Distance from Point A to Point B =*

$$\left(\frac{\text{width of Street X}}{2}\right) + 50 \text{ feet}$$

- iii. Point C: Located on the center line of Street X at a distance in feet from Point A given by Table 1011-5, according to the speed limit of Street X.

Table 1011-5			
Speed Limit of Street X or Y (in miles per hour)	30	35	40
Distance from Point A (in feet)	110	140	180

- f. One-way Yield: The visibility triangle for a one-way yield at a T-intersection shall be described the same as for the two-way yield.
  - g. Special: The visibility triangle for all other types of controlled intersections shall be described as combinations of the above visibility triangles.
2. Uncontrolled Street Intersections:
- a. Four-leg and Three-leg Intersections: Other than T-intersections, the visibility triangle for these types of intersections shall be described as follows:
    - i. Point A: Located at the intersection of the center lines of Streets X and Y.
    - ii. Point B: Located on the center line of Street Y at a distance from Point A given by Table 1011-5, according to the speed limit of Street Y.
    - iii. Point C: Located on the center line of Street X at a distance from Point A given by Table 1011-5, according to the speed limit of Street X.
  - b. T-Intersections: The visibility triangle shall be determined as for T-intersections with a one-way yield.
  - c. Roundabout Intersections: No visibility triangle is necessary at roundabout intersections because all traffic circulates in the same counterclockwise direction.
3. Intersections of Streets with Driveways (or Alleys): The visibility triangle for the intersection of a street with a driveway shall be described as follows.
- a. Point A: Located by extending the curb lines (or pavement edges where there are no curbs) of the street and driveway toward the intersection until the curb lines meet.
  - b. Point B: Located on the curb line of the driveway 10 feet from Point A.
  - c. Point C: Located on the curb line of the street 10 feet from Point A.
4. Intersections of Driveways (or Alleys) with Sidewalks (or Paths): The visibility triangle for the intersection of a driveway shall be described as follows:
- a. Point A: Located at the intersection of the driveway and sidewalk.
  - b. Point B: Located on the edge of the sidewalk 5 feet from Point A.

- c. Point C: Located on the curb line (or pavement edge, if no curb is present) of the driveway 5 feet from Point A.
- F. **Prohibitions:** The following restrictions apply to all visibility triangles:
- 1. No structures shall be erected except for fences, walls, or berms not exceeding 30 inches in height as measured from the top of the curb (or pavement edge where there is no curb) immediately adjacent to the triangle area;
  - 2. No motor vehicle, trailer, or other equipment shall be allowed to park, stand, or stop; and
  - 3. No vegetation shall be planted or allowed to grow higher than 30 inches as measured from the top of the curb (or pavement edge where there is no curb) immediately adjacent to the triangle area.

### 1011.07 Height Exemptions in All Districts

- A. The building and structure height limitations established for each zoning district shall apply to all buildings and structures, except that the following shall be exempt from said height limitation:
- 1. Church spires
  - 2. Belfries
  - 3. Cupolas and domes which do not contain usable space
  - 4. Monuments
  - 5. Water towers
  - 6. Fire and hose towers
  - 7. Observation towers
  - 8. Flagpoles
  - 9. Electrical transmission towers
  - 10. Chimneys
  - 11. Smokestacks
  - 12. Parapet walls extending not more than 3 feet above the limiting height of the building
  - 13. Cooling towers
  - 14. Grain elevators
  - 15. Elevator penthouses
- B. **Exception:** If, in the opinion of the Community Development Department, such structure would adversely affect adjacent property, such greater height shall not be authorized except by the City Council pursuant to the appeals procedure established in Section 1009.08.

**1011.08 Fences in All Districts** (Ord 1436, 05-13-2013)

- A. **General Requirements:** Fences may be constructed, placed, or maintained in any yard or adjacent to a lot line in accordance with these requirements.
  - 1. The owner of the property upon which a fence is located shall be responsible for locating all property lines prior to constructing said fence.
  - 2. All fence posts and supporting members shall be placed within the property lines of the property on which the fence is located.
  - 3. Fences in front yards shall not exceed 4 feet in height. Notwithstanding this limitation, fences in front yards which are adjacent to the side or rear yards of abutting lots may be as tall as 6.5 feet.
  - 4. Fence height shall be measured from the average grade adjacent to the bottom of the fence to the top of the fence material. Fence posts may extend an additional 6 inches.
  - 5. All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or the public right-of-way.
  - 6. All fences shall be constructed of durable, uniform, weather-resistant, and rust-proofed materials.
  - 7. All fences shall be maintained and kept in good condition.
  - 8. Fences exceeding 4 feet in height shall require a building permit from the City.
  - 9. Temporary snow fencing is allowed seasonally, when snow is present, without a permit.
  - 10. Non-residential Fences: In addition to the requirements of this section, fences in all non-residential districts shall conform to the screening requirements of Section 1011.03B of this Chapter.
  - 11. Fencing of Play Areas: For public or private parks and playgrounds located adjacent to a public right-of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width or a fence no less than 4 feet in height shall be installed between the facility and the right-of-way.
  
- B. **Residential Fences:** The following standards shall apply to all fences constructed in any residential zoning district:  
(Ord. 1457, 10-21-2013)
  - 1. No fence used for screening or security shall exceed 6.5 feet in height;

2. Fences shall be comprised of chain-link, wood, plastic, or metal, but shall not be barbed wire, electric, weaved or welded wire.
3. Exception: Weaved or welded wire or mesh fences erected at the periphery of a garden and used to keep unwanted animals out of the garden shall be allowed to a maximum of 8 feet in height.

### 1011.09 Essential Services in All Districts

- A. **Purpose:** The purpose of this Section is to provide for the installation of essential services in a manner that does not adversely affect the public health, safety, or welfare.
- B. **Essential Services Allowed by Permit:** The following essential services, when installed primarily for the use of City residents, shall only require a permit from the City Engineer:
  1. All communication lines.
  2. Underground electrical transmission lines, overhead utility lines, and electrical transmission lines intended to serve properties within the City.
  3. Pipelines for distribution to individual properties within the City.
  4. Electrical substations with less than 33 KV.
  5. Radio receivers and transmitters accessory to an essential service, when placed on an existing utility pole, tower, or light standard.

### 1011.10 Solar Energy Systems in All Districts

- A. Solar energy systems are allowed as accessory uses in all zoning classifications where structures of any sort are allowed.
- B. Active solar energy systems shall be allowed as accessory uses in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below:
  1. Height: Active solar systems must meet the following height requirements:
    - a. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed building height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other such mechanical devices.

- b. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
  2. Setback: Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
    - a. Roof-mounted Systems: Consistent with the required building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
    - b. Ground-mounted Systems: Ground-mounted solar energy systems shall not extend into the required side- or rear-yard setback when oriented at minimum design tilt.
  3. Visibility: Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
    - a. Building-integrated Photovoltaic Systems: Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use, and performance standards for the district in which the building is located.
    - b. Solar Energy Systems with Mounting Devices: Roof- or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mounted systems that are visible from the nearest edge(s) of the street frontage right(s)-of-way shall be reviewed and approved by Community Development staff to ensure the system meets the wind load standards for the roof and there are not major aesthetic impacts with the system to the surrounding properties.
    - c. Coverage: Roof- or building- mounted systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of 1 foot. The surface area of pole or ground mount systems

shall not exceed half the building footprint of the principal structure.

4. Approved Components: Electric solar energy system components must have a UL listing.
5. Plan Approval Required: All solar energy systems shall require administrative plan approval by the Community Development Department.
  - a. Applications: Plan application for solar energy systems shall be accompanied by scaled horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building, or on the property for a ground-mount system, including the property lines.
  - b. Pitched-roof-mounted Systems; For all roof-mounted systems other than a flat roof the elevation drawings shall show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
  - c. Flat-roof-mounted Systems: For flat-roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
6. Plan Approvals: Applications that meet the design requirements of this policy shall be granted administrative approval by the Community Development Department and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.
7. Compliance with Building Code: All active solar energy systems shall require building permits.
8. Compliance with State Electric Code: All photovoltaic systems shall comply with the Minnesota State Electric Code.
9. Utility Notification: No grid-intertie photovoltaic system shall be installed until evidence has been given to the Community Development Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

**1011.11 Additional Standards in All Non-LDR Districts**

- A. Rooftop Equipment: Rooftop equipment, including structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood or other material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.
  
- B. Waste and Recycling Areas: Waste and recycling storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. Waste and recycling enclosures within developments of 2-stories or more shall incorporate a trellis cover or a roof design to screen views from above. The enclosure should be accessible to residents and businesses, yet located away from main entries.
  
- C. Maintenance Activities: Movement of sweeping vehicles, garbage trucks, maintenance trucks, and other service vehicles and equipment is prohibited within 300 feet of a residential district between the hours of 10:00 P.M. and 7:00 A.M., except for emergency vehicles and emergency utility or maintenance activities. Snow removal shall be undertaken in a manner that minimizes activity between the hours of 10:00 P.M. and 7:00 A.M. Long term snow storage (more than 7 days) shall not occur within 300 feet of a residential district unless approved by the Community Development Department. Long term snow storage may only occur on surplus parking spaces beyond the required spaces within Chapter 1019 of this Title.
  
- D. Service Areas and Mechanical Equipment: Service areas, utility meters, and building mechanical equipment shall not be located on the street side of a building or on a side wall closer than 10 feet to the street side of a building, unless determined by Community Development Department that there is no reasonable alternative.
  
- E. Parking Lot Lighting: The following standards for on-site lighting of parking lots shall be required for all uses.
  - 1. Fixtures: Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare unless decorative and utilized for pedestrian safety.
  - 2. Minimum Lighting Levels: Energy efficient lighting systems shall be employed for all exterior lighting. Minimum lighting levels, measured at a height of 5 feet above the grade, for parking facilities shall be as follows:
    - a. Covered Parking Facilities (Day):

- i. General parking and pedestrian areas: 5 foot-candles
    - ii. Ramps/corners: 10 foot-candles
    - iii. Entrances/exits: 50 foot-candles
    - iv. Stairwells: 20 foot-candles
  - b. Covered Parking Facilities (Night):
    - i. General parking and pedestrian areas: 5 foot-candles
    - ii. Ramps/corners: 5 foot-candles
    - iii. Entrances/exits: 5 foot-candles
    - iv. Stairwells 20 foot-candles
  - c. Open Parking Areas:
    - i. General parking, vehicle, and pedestrian areas: 0.4 to 1 foot-candle  
(Ord. 1471, 11-10-2014)
3. All lights not reasonably required for security or business operations must be turned off between the hours of 10:00 P.M. and sunrise, or operated by motion detectors so that they only turn on when there is activity nearby and turn off shortly thereafter.
  4. Pole Height: The height of light poles shall not exceed 12 feet if located closer than 50 feet to a residential property line, nor a height of 25 feet if located between 50 feet and 100 feet of a residential property line. Light poles or fixtures may be a maximum of 40 feet tall if located greater than 100 feet from a residential property line and if the light source and light source glare is completely screened by building, berm, or landscape material with a minimum opacity of 90% to eye level view of living spaces in homes within 300 feet of light source.
  5. Decorative Lighting: Decorative poles and luminaires shall be allowed on all new development sites when incorporated as pedestrian safety/security lighting along walkways, paths, and near the principal structure.

## **1011.12 Additional Standards for Specific Uses in All Districts**

### **A. Residential Uses, Principal:**

1. One- and two-family dwellings: See design standards in Section 1004.05.
2. Multi-family dwellings: See design standards in Section 1004.06 in addition to the following:

- a. Recreational facilities must be provided to serve the needs of the anticipated population.
  - b. Minimum distances between buildings shall equal the sum of the required side yards for each building.
  - c. Screening and buffering shall be required per Section 1011.03B of this Chapter.
3. Cohousing Community: Cohousing is a permitted use within any housing type that is permitted within the zoning district where the cohousing development is located. Likewise, any housing type that is conditional within the zoning district may be used for cohousing with conditional use approval. Any allowed use within the zoning district where the cohousing development is located may be allowed as part of the cohousing development.
- a. A cohousing community shall provide a community building for the shared use of the residents for typical domestic activities such as cooking or child care, and for home occupations as regulated in Section 1011.12B
  - b. Usable open space may be combined and shared among cohousing units.
4. Community residential facility, state licensed:
- a. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
  - b. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
  - c. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
5. Nursing Home, Assisted Living, Congregate Care:
- a. The yard requirements for multi-family dwelling in the district apply.
  - b. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
  - c. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens, and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.

- d. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

**B. Residential Uses, Accessory:**

- 1. Accessory Dwelling Units (ADU):
  - a. An ADU shall be located on a lot occupied by a one-family dwelling.
  - b. No more than one ADU shall be allowed on a lot.
  - c. Either the principal dwelling unit or the ADU shall be owner-occupied and both dwelling units shall be under unified ownership.
  - d. Maximum occupancy of an ADU shall be limited to 2 people.
  - e. An ADU shall be assigned a unique address identifier to differentiate it from the principal dwelling. An attached ADU shall be identified by "Unit A" and a detached ADU shall be identified by "Unit B" following the primary property address (e.g., 1234 Elm Street Unit B).
  - f. A detached ADU may be located above a detached garage or within a separate accessory building meeting the standards for accessory buildings established in Section 1004.02 of this Title.
  - g. A property shall have a minimum of 1 additional, conforming, off-street vehicle parking space above and beyond the number of parking spaces required for the principal dwelling unit in the zoning district.
  - h. Home Occupations: Home occupations are permitted in ADUs, provided that the combined impacts of home occupations in the ADU and the principal dwelling unit conform to the standards and limitations established in Section 1011.12B2 of this Title.
  - i. Dimensional Standards for All ADUs:
    - i. Maximum height of an ADU, including one built above a garage shall not exceed the standards for principal or accessory buildings, as applicable.
    - ii. Unit size: An ADU shall include at least 300 square feet of living area up to a maximum of 650 square feet of living area, but in no case shall an ADU exceed 75% of the principal dwelling's four season living area (exclusive of the ADU). For the purposes of this provision, "living area" shall include kitchen areas, bathrooms, living rooms, bedrooms (including the closet which defines the bedroom), and other rooms, and shall exclude

- utility rooms, hallways, entryways, storage areas, and garages.
- iii. An ADU shall include a maximum of 1 bedroom.
- iv. Setback requirements: All ADUs shall meet the standards for principal buildings; notwithstanding this requirement, detached ADUs shall not be located closer to the front property line than the principal building.
- j. The entryway to a detached ADU shall be connected to a street frontage with a paved walkway.
- k. Design Standards for Attached ADUs: The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a one-family dwelling
- l. Design Standards for Detached ADUs:
  - i. Material: The exterior finish material shall match in type, size, and placement, the exterior finish material of the principal dwelling unit.
  - ii. Roof pitch: The roof pitch shall match the predominant roof pitch of the principal dwelling unit.
  - iii. Details: Trim shall match the trim used on the principal dwelling unit. Projecting eaves shall match those of the principal dwelling unit.
  - iv. Windows: Windows shall match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
- m. Permit Required: A lifetime, nontransferable ADU Occupancy Permit shall be required from the Community Development Department to allow an ADU to be rented. For the purposes of this provision, a “rented” ADU is one that is being occupied by a person or persons other than the family (as defined in Section 1001.10 of this Title) occupying the principal dwelling unit. Each property owner seeking to rent an ADU, or occupy an ADU while renting the principal dwelling unit, shall apply for a new ADU Occupancy Permit according to the procedure established herein. In addition to receiving an ADU Occupancy Permit, the property shall be in compliance with the City’s rental registration requirements. (Ord. 1487, 11-30-15)
  - i. Application: The owner of property on which an ADU is proposed shall file a permit application by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth

on the application form. The Community Development Department will review the application to determine whether the application is complete and the subject property is eligible to receive the requested ADU permit.

- ii. Notification: Upon the determination that a complete application has been submitted and that the property is eligible to receive the requested ADU permit, property owners within a radius of 100 feet shall be notified in writing by the Community Development Department of the application and that they have 7 days in which to share comments or concerns about the application before the Community Development Department issues the permit.
  - iii. Conditions: The City may impose conditions on the issuance of an ADU permit. Such conditions must be directly related to, and must bear a rough proportionality to, impacts created by the ADU.
  - iv. Revocation: If a permitted ADU or the property for which an ADU permit has been issued should fail to meet the requirements of the permit, and/or if a property for which an ADU permit has been issued should become ineligible for such permit, the issued ADU permit may be revoked upon the determination by the Community Development Department that the noncompliance and/or ineligibility issued(s) cannot or have not been resolved. If an ADU permit is revoked, occupation of the ADU by a person or persons other than the family (as defined in Section 1001.10 of this Title) occupying the principal dwelling unit shall cease within 60 days of the date of the revocation. (Ord. 1487, 11-30-15)
  - v. Appeals: Determinations pertaining to the continuing compliance and/or eligibility of an ADU permit or the property for which an ADU permit has been issued are subject to appeal according to the procedure for appeals of administrative decisions established in Section 1009.08 or this Title.
  - vi. Expiration: An ADU permit shall expire upon transfer of the property to a new owner. Continued use of an ADU on a property which has been transferred to a new owner shall require a new owner to apply for a new ADU permit. (Ord. 1418, 10-10-2011)
2. Garden Sheds in LDR Districts: Garden sheds may be built and/sided sided with materials which are different in character from the principal structure, but acceptable

materials shall not include galvanized or corrugated metal.

3. Home Occupation: Home occupations are allowed in residential districts, subject to the standards below.
  - a. All new home occupations as of January 1, 2011, shall be subject to an annual registration with the City, on a form as required by the Community Development Department and with a fee as determined by the City Council.
  - b. Home occupations shall be clearly incidental and subordinate to the residential use of the property. Exterior alterations or modifications that change the residential character or appearance of any structures or the property itself are not allowed.
  - c. Home occupations shall not occupy more than 30% of the floor area of the dwelling, to a maximum of 600 square feet. The home occupation shall be conducted entirely within the dwelling. An accessory building shall not be used in the operation of a home occupation.
  - d. Only persons residing on the premises and no more than 1 nonresident employee shall be engaged in the conduct of home occupations on the premises at any given time.
  - e. There shall be no outside storage of products, materials, or equipment used in conjunction with home occupations.
  - f. The required off-street parking for the residential use shall not be reduced or made unusable by home occupations.
  - g. Home occupations shall not generate excessive traffic or parking demand that is detrimental to the character of the neighborhood.
  - h. Shipment and delivery of products, merchandise, or supplies shall be by single rear axle straight trucks or similar delivery vehicles normally used to serve residential neighborhoods.
  - i. There shall be no indications of offensive noise, odors, smoke, heat, glare, vibration, or electrical interference at or beyond the boundaries of the residential lots occupied by home occupations.
  - j. Home occupations shall meet all applicable fire and building codes, as well as any other City, State, or Federal regulations.
  - k. Signage for home occupations shall be subject to the requirements of Chapter 1010 of this Title.

1. The following activities shall be prohibited as home occupations:
  - i. The operation of any wholesale or retail business unless it is conducted entirely by mail or Internet. The sale of products incidental to the delivery of a service is allowed.
  - ii. Any manufacturing, welding, machine shop, or similar use.
  - iii. Motor vehicle repair.
  - iv. The sale, lease, trade, or transfer of firearms or ammunition.
  - v. Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
  
4. Private Swimming Pools: All private swimming pools, hot tubs, and other similar private recreational facilities are subject to the following standards:
  - a. The facility shall not be operated as a business or private club.
  - b. The facility shall not be located within any required front or side yard.
  - c. The facility, including any walks, paved areas, or related structures or equipment, shall be set back at least 10 feet from any property line.
  - d. For swimming pools, the pool itself, the rear yard, or the entire property shall be enclosed by a non-climbable wall, fence, or combination thereof at least 4 feet in height with ventilating slats with openings not exceeding 4 inches, with a self-closing gate with a latch and located on the inside, 3 inches below the top of fence and capable of being secured with a lock so as to prevent uncontrolled access by children. If the only access is through a principal or accessory structure, such point of access shall be lockable. In the case of above-ground pools, pool sides that are vertical may contribute to the required fencing, provided all points of access are controlled to prevent access by children, including the removal of all ladders or stairs whenever the pool is not in use (or compliance with a nationally recognized pool safety standard).
  - e. For in-ground pools, the pool shall be set back at least 5 feet from the principal structure.  
(Ord. 1487, 11-30-15)

- f. Hot tubs shall not be located within 5 feet of any side yard or rear lot line, or within any required front yard. Such pools may be equipped with a child-resistant, lockable cover in lieu of a 4 foot tall fence. Hot tubs are permitted on attached or detached decks if it can be proven that the deck is engineered to be structurally sound enough to support the bearing load of the hot tub.
  - g. Portable pools shall not be located within 5 feet of any side or rear lot line, or within any required front yard. Such pools may be equipped with a child resistant cover in lieu of a 4 foot tall fence. Any ladder or other means of entry into a portable pool shall be detachable and placed so that no child can gain entry into the pool without the owner's consent. Portable pools shall not be in place longer than 6 months in a calendar year.
  - h. Lighting shall be so oriented so as not to cast light on adjacent properties.
  - i. The facility shall not be located within any drainage or utility easement.
  - j. Any accessory mechanical apparatus shall be located at least 30 feet from any residential structure on an adjacent lot.
  - k. All swimming pools containing more than 3,000 gallons or with a depth in excess of 42 inches shall require a building permit from the City.
5. Private Recreational Courts: All private tennis courts, ball courts, and other similar private recreational facilities are subject to these standards.
- a. The facility shall not be operated as a business or private club.
  - b. The facility shall not be located within any required front or side yard.
  - c. The facility, including any walks, paved areas or related structures or equipment, shall be set back at least 10 feet from any property line.
  - d. The facility shall not be located on a public street.
  - e. The facility shall not be located within any drainage or utility easement.
  - f. A chain link or other non-opaque fence not exceeding 10 feet in height may be allowed to enclose a hard-surfaced recreational court. If such a fence is used, it shall be set back at least 5 feet from side property lines and 10 from the rear property line, and shall not be placed in front of the principal structure.

6. Roomers, boarders: A maximum of 3 roomers or boarders shall be permitted per dwelling unit.

**C. Civic and Institutional Uses:**

1. Church, Religious Institution: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
2. School, Elementary or Secondary: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
3. College or Post-secondary School:
  - a. An office-based facility established after the effective date of this ordinance within a Neighborhood Business district shall have vehicular access to a collector or higher classification street and shall have buffer area screening consistent with Section 1011.03B of this Title. (Ord. 1427, 7-9-2012)
  - b. A campus master plan, approved by the City Council, may be required for campus facilities to address the management of pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses to mitigate any impacts of a new or expanded/intensified campus. (Ord. 1427, 7-9-2012)
4. Theater (Live Performance) Performing Arts Center: A facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.

**D. Institutional and Recreational Uses:** Whenever temporary and/or portable restroom facilities are located within Institutional or Park and Recreation Districts for longer than the duration of a single event, the following requirements shall apply unless the Community Development Department determines that the proposed location provides adequate distance and screening from residential property views:

1. Facilities shall be located a minimum of 75 feet from any residentially zoned property; and
2. Facilities shall be screened with a minimum 6 foot tall 100% opaque board-on-board wood fence.

**E. Business and Commercial Uses:**

1. Extended Hours of Operation adjacent to all Residential Districts: Fence or screening height in the following

requirements supersede the limitations established elsewhere in this Title

- a. **Buffer Area:** Where a Community Business, Regional Business, or Community Mixed Use District abuts a residential district, all existing buffers shall remain in effect, and any new site improvement shall include an increased buffer area of a minimum of 20 to 40 feet as determined by the Community Development Department. This protective buffer shall contain no structures, shall not be used for parking, off-street loading or storage, and shall include screening. The screening treatment shall include the seeding of grass or sodding of the whole of the buffer area, the planting of shrubbery and trees and maintaining of same, a compact screen wall, fence, berm, landscaping, or combination thereof, which shall be not less than 75% opaque year-round to a minimum height of 6 feet above the parking lot curb. The screening treatment must be approved by the Community Development Department and shall be in harmony with a residential neighborhood and provide sufficient screening of the Community and Regional Business uses. The fence or landscape screening shall be no less than 6 feet at the time of installation. Where a berm, wall, fence, or combination thereof is required for screening purposes for a commercial use adjacent to a residential use, such berm, wall, fence, or combination thereof shall be set back from the residential district boundary at least 3 times its height, and landscaped with trees, shrubs, perennials and sod or seed to screen 50% of the surface of the wall or fence at maturity of the plant materials year-round.
- b. **Traffic:** The site plan shall provide vehicular circulation routes away from residential areas and avoid commercial vehicle ingress and egress from local residential streets to commercial property sites. In the site plan review and approval process, every reasonable effort must be made to design the site circulation so that service vehicles over 1 ton capacity do not use routes which bring vehicles between a building and a residential district boundary. The site plan shall also provide pedestrian access routes using walks or paths, including where practical, connections to adjacent residential areas. Service vehicles over 1 ton capacity which enter or exit the site between the hours of 10:00 P.M. and 7:00 A.M. shall use a designated route approved by the City. Deliveries and/or delivery truck access, in and on the site during the hours of 10:00 P.M. to 7:00

A.M., shall be limited to single unit, 2 axle vehicles not in excess of 26,000 pounds gross weight. The designated route shall keep vehicles at least 300 feet away from any residential district boundary, or be completely screened by a building, wall, landscaped berm, fence, or combination thereof to a point 14 feet above the ground at the outside edge of the truck route lane and to a point 5 feet above the first floor (main level) of the adjacent residences.

- c. Off-Street Parking: Where a 24 hour use is within 300 feet of a residential district, that portion of the site within 300 feet shall provide screening of parking and driving areas adjacent to residential areas. The screening shall have a minimum opacity of 90% year-round and a minimum height of 6 feet, and shall be comprised of landscaping, walls, fences, berms, or combinations thereof.
  - d. Service delivery or non-customer vehicles shall not be parked or staged within 300 feet of a residential district, except when actively loading or unloading.
  - e. In no case shall vehicle staging for unloading occur for more than 24 hours on a site within any Community Business, Regional Business, or Community Mixed Use District.
  - f. Off-Street Loading: Off-street loading shall be as listed in Chapter 1019 of this Title and servicing space shall be designated for each store unit in the shopping district. Such loading space shall be designed so as not to conflict with movement of vehicular traffic to and from parking areas.
    - i. Any commercial loading dock within 300 feet of a residential district shall be completely screened by a wall, landscaped berm, fence, or combination thereof from an adjacent residential area, to a point 14 feet above the ground at the loading area and to a point 5 feet above the first floor (main level) of adjacent residences.
    - ii. Any commercial loading dock within 300 feet of a residential district which is to be used for any reason by vehicles or equipment between the hours of 10:00 P.M. and 7:00 A.M. shall be within a completely enclosed and roofed structure. All loading and unloading operations shall occur with the exterior doors shut at all times.
2. Animal Hospital, Veterinary Clinic: All activities shall take place within completely enclosed buildings with soundproofing and odor control; outdoor kennels are

- prohibited except in zoning districts where specifically permitted.
3. Day Care Center: The center must meet all standards for registration and inspection and not exceed state limits for number of clients.
  4. Mini-storage Facility: No commercial transactions shall be permitted other than the rental of storage units. Plans for on-site circulation and driveway locations shall be reviewed as part of the site plan review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.
  5. Communication Antennas and Towers: See subsection G below.
  6. Restaurants:
    - a. In the Employment districts, all restaurants shall be incorporated within a multi-use retail center.  
(Ord. 1487, 11-30-15)
    - b. Points of vehicular ingress and egress for fast food restaurants shall not be onto a street which is used primarily for access to abutting residential property.
    - c. A litter collection plan shall be developed for fast food restaurants and submitted to the Community Development Department. The litter collection plan obligates the restaurant operator to keep the area surrounding the restaurant free of litter for a reasonable, specified distance.
  7. Accessory Buildings: Shall be limited to a single structure/building of no greater than 500 square feet in size with a maximum height of 15 feet. Setbacks for accessory structures/buildings are as regulated under Table 1005.02, 1005.03, and 1005.04, except that accessory structures or buildings shall not be permitted in a front yard. (Ordinance 1447, 7-8-2013)
  8. Outdoor display: All outdoor display shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls. (Ord. 1451, 8-12-2013)
  9. Outdoor storage, fleet vehicles: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or “retired” vehicles) shall adhere to the requirements for outdoor storage of inoperable/out-ofservice vehicles or

equipment. (Ord. 1451, 8-12-2013)

10. Outdoor storage, inoperable/out of service vehicles or equipment: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence 6-8 feet in height and at least 95% opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls. (Ord. 1451, 8-12-2013)

11. Student housing, existing building:

- a. Student housing seeking to reuse an existing hotel, apartment building/complex, or nursing care/assisted living facility shall be a permitted use.
- b. Reuse sites that are currently adjacent to residentially zoned or used property shall be reviewed by the Community Development Department for screening/fencing needs to mitigate parking and/or drive lane impacts.

12. Student housing, new construction:

- a. New construction of student housing shall be limited to a maximum height of 35 feet and a minimum setback of 30 feet when adjacent to LDR-1 or LDR-2 district; a maximum height of 40 feet and a minimum setback of 20 feet when adjacent to MDR district; a maximum height of 65 feet and minimum setback of 15 feet when adjacent High Density Residential-1 district; and a maximum height of 95 feet and minimum setback of 15 feet when adjacent to High Density Residential-2 district.
- b. Buildings may be stepped with lower heights placed nearer lower density residential use/district and greater heights being placed near roadways.
- c. Minimum parking lot and/or garage setbacks for student housing uses in all allowed districts shall be 10 feet, which area shall consist of landscaping, an opaque screen fence, or a combination thereof.  
(Ord. 1469, 6-9-2014)

#### **F. Employment Uses:**

1. Artisan Workshop: Sale of goods produced shall not exceed 25% of the floor area of the facility.
2. General Retail Sales and Personal Service: In the Employment Districts, retail or service uses must be

- located within buildings or as part of building complexes that include office or other employment-related uses and shall be limited to 25% of the building or complex.
3. Motor Vehicle Broker/Wholesaler: All activities related to a vehicle broker or vehicle wholesaler shall be conducted within the building. No sale lots shall be allowed. A vehicle being readied for purchase/sales transaction shall be allowed to be parked in the parking lot for no more than 8 hours.
  4. Manufacturing and Processing, Outdoor Activities: (Ord. 1451, 8-12-2013)
    - a. Outdoor servicing, processing, or manufacturing shall be no closer than 300 feet to a property occupied by a residential use. (Ord. 1451, 8-12-2013)
    - b. All outdoor servicing, processing, or manufacturing shall be conducted, operated and maintained in accordance with any necessary permits of the Minnesota Pollution Control Agency, Ramsey County, and the City.
    - c. The applicant shall provide a site plan showing the location of buildings, areas of outdoor servicing, processing or manufacturing, and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to comply with the environmental regulations established in Section 1011.02. (Ord. 1451, 8-12-2013)
  5. Wholesale Uses: Within the Office/Business Park District, a wholesale use shall not exceed 25% of the gross floor area of the building where it is located.
  6. Accessory Buildings: Shall be limited to a single structure/building of no greater than 500 square feet in size with a maximum height of 15 feet. Setbacks for accessory structures/buildings are as regulated under Tables 1006.02 and 1006.03, except that accessory structures or buildings shall not be permitted in a front yard. (Ordinance 1447, 7-8-2013)
  7. Outdoor display: All outdoor display shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls. (Ord. 1451, 8-12-2013)
  8. Outdoor storage, equipment and goods: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a

principal building and the front property line. Areas of outdoor storage shall not obstruct required drive aisles or parking stalls. Greater setbacks shall be considered for pressurized canisters or potentially explosive goods. Equipment and goods shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Equipment available for rent may be displayed without screening in an area not exceeding 10% of the screened outdoor storage area. (Ord. 1451, 8-12-2013)

9. Outdoor storage, fleet vehicles: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or “retired” vehicles) shall adhere to the requirements for outdoor storage of inoperable/out-ofservice vehicles or equipment. (Ord. 1451, 8-12-2013)
10. Outdoor storage, inoperable/out of service vehicles or equipment: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence 6-8 feet in height and at least 95% opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls. (Ord. 1451, 8-12-2013)

#### **G. Accessory Uses and Structures:**

1. Telecommunication Towers and Antennas:
  - a. Private Antennas and Towers: Private (noncommercial) receiving or transmitting antennas and towers more than 20 feet in height above the principal structure height in residential districts or more than 50 feet in height above the principal structure height in business and industrial districts shall be a conditional use in all districts.
  - b. City-Owned Antennas and Towers: City-owned or controlled antennas and tower sites shall be a permitted use in Commercial, Community Mixed Use, and Employment Districts, and a conditional use in all other districts.
  - c. Commercial Antennas and Towers - City Sites: Commercial receiving or transmitting antennas and towers regardless of height or size with the exception

of satellite dish antennas shall connect to and use the City tower sites if use of such facilities is technically feasible.

- d. Commercial Antennas and Towers - Non-City Sites: Commercial receiving or transmitting antennas and towers not located on a City tower site shall be a conditional use. Commercial receiving or transmitting antennas and towers may only be located in Commercial, Community Mixed Use and/or Employment Districts. The City may establish permit review periods, tower termination, time limits or an amortization schedule specifying the year in which the tower shall be taken down by the applicant or assign. A performance bond or other surety may be required by the City in order to assure removal of the tower at a specific date.
- e. Application: The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.
- f. Requirements: All antennas and towers and support structures including guy wires and foundations shall be subject to the appropriate requirements of subsection "h" of this Section and the setback requirements established for accessory structures in the applicable zoning district. Antennas, towers, guy wires and foundations, and support buildings shall be constructed on 1 lot or parcel and shall be set back a minimum of 30 feet from any front property line.  
(Ord. 1487, 11-30-15)
- g. Design: All antennas and towers shall be designed and screened as visually appropriate, shall utilize a City-approved gray or blue color, and shall contain no signage, including logos, except as may be required by any State or Federal regulations.
- h. Existing Facilities: Existing transmitting and receiving facilities at the time of the adoption of this Section may remain in service. However, at such time as any material change is made in the facilities, full compliance with this Section shall be required. No transmitting or receiving antennas or towers may be added to existing nonconforming facilities. Towers and receiving facilities shall be dismantled and removed from the site within 1 year after abandonment of the use of the tower or facility for communication purposes.
- i. Security Fencing: Security fencing for antennas and towers may include chain link and barbed wire to a total height of 8 feet above grade.

- j. Support Buildings: Support buildings to house switching and other communication equipment shall have a brick exterior, be a maximum of 200 square feet in size, 24 feet in height and have 2 off-street, paved parking spaces.
- k. Building Permit: A building permit shall be required for the construction of new antennas and/or towers and shall include wind loading and strength and footing calculations prepared by a Minnesota registered engineer.
  - 1. Exception: Antennas attached to, but not above, the exterior walls of buildings as an integral part of the architecture shall be a permitted use in all Commercial, Community Mixed Use and/or Employment Districts. Antennas attached to existing public utility structures or existing public utility towers in any zoning district, including electrical transmission towers or other structures deemed appropriate by the Community Development Department, shall be a permitted use in all zoning districts, provided the antenna(s) do not increase the height or bulk of said structure or tower.
- 2. Temporary Uses and Structures: The following temporary uses and structures shall be permitted in all zoning districts unless specified otherwise, provided such use or structure complies with the regulations of the zoning district in which it is located and all other applicable provisions of this Title:
  - a. Garage and boutique sales in residential districts: Garage sales and residential boutique sales are permitted accessory uses in residential districts, but shall be limited to 3 sales each calendar year per dwelling unit, and shall not exceed 3 consecutive days per sale or 9 total days in duration per year. The maximum daily hours of operation shall be 8:00 A.M. to 6:00 P.M. A residential boutique sale shall not occupy more than 400 square feet of a dwelling unit.
  - b. Construction Sites: Storage of building materials and equipment or temporary buildings for construction purposes shall be located on the same lot as the project under construction, and shall be removed within 30 days following completion of construction.
  - c. Portable Storage Unit: A maximum of 2 portable storage units, not exceeding a cumulative gross floor area of 250 square feet shall be permitted on a lot for no more than 30 days per calendar year, unless otherwise approved in conjunction with a building permit.

- d. Annual Outdoor Storage and Display: An annual permit shall be required from the Community Development Department to allow outdoor storage and display of merchandise in the Commercial and Mixed-Use Districts. The Community Development Department shall review a site plan and specifics of the proposed outdoor storage and display area/use and may issue the permit, subject to (but not limited to) the following requirements:
  - i. The area of outdoor storage and/or display shall be limited to 350 square feet or as determined by the Community Development Department.
  - ii. The outdoor storage and/or display shall not utilize existing on-site parking spaces.
  - iii. The outdoor storage and/or display area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
  - iv. Merchandise shall be stacked and/or arranged neatly and may be up to 8 feet in height or as determined by the Community Development Department.
  - v. The type of merchandise shall be limited to items incidental to the primary or principal use of the premises or as determined by the Community Development Department.
- e. Seasonal Outdoor Sales: A seasonal outdoor sales permit shall be required from the Community Development Department to allow outdoor sales of merchandise such as produce, plants, garden supplies, and/or a farmer's market. The Community Development Department shall review a site plan and specifics of the proposed seasonal outdoor sales area/use and may issue the permit, subject to (but not limited to) the following requirements:
  - i. The outdoor sales area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
  - ii. The outdoor sales area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.
  - iii. The outdoor sales area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.

- iv. Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.
  - v. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal.
  - vi. Signage shall be regulated by Chapter 1010 of this Title.
- f. Temporary Event: A temporary event permit shall be required from the Community Development Department to allow the temporary sale of merchandise or temporary event/activity. These uses may include the sales of fireworks, rugs, and other similar merchandise and events utilizing search lights or tents for employee/customer appreciation. The Community Development Department shall review a site plan and specifics of the proposed event area/use and may issue the permit, subject to (but not limited to) the following requirements:
- i. Any single or recurring temporary event shall be limited 30 total days per calendar year.
  - ii. The event area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
  - iii. The event area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.
  - iv. The event area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
  - v. Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.
  - vi. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal.
  - vii. Signage shall be regulated by Chapter 1010 of this Title. (Ord. 1403, 12-13-2010)

**Amendment History**

- Ordinance 1403, 12-13-2010
- Ordinance 1418, 10-10-2011
- Ordinance 1427, 7-9-2012
- Ordinance 1436, 05-13-2013
- Ordinance 1447, 7-8-2013
- Ordinance 1451, 8-12-2013
- Ordinance 1457, 10-21-2013
- Ordinance 1469, 6-9-2014
- Ordinance 1471, 11-10-2014
- Ordinance 1487, 11-30-2015
- Ordinance 1490, 12-7-2015
- Ordinance 1503, 7-11-2016
- Ordinance 1507, 8-8-2016

**H. Temporary Family Health Care Dwellings:**

- 1. Opt-Out of Minnesota Statutes Section 462.3593: Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Roseville opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings. (Ord. 1507, 8-8-2016)







