Council File # _____

Ordinance # _____

Green Sheet # _____

ORDINANCE
CITY OF SAINT PAUL, MINNESOTA

Presented By _____

Referred To _____ Committee: Date _____

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An ordinance amending Legislative Code Chapters 60 through 69 pertaining to zoning code reformatting and streamlining, adding Traditional Neighborhood zoning districts, and related amendments.

WHEREAS, the Land Use Plan chapter of the Saint Paul Comprehensive Plan, adopted by the City Council on March 3, 1999, (with final adoption on February 6, 2002, after Metropolitan Council review) calls for amending the Zoning Code to support development of urban villages and a full range of housing options through urban village zoning districts that allow a mix of housing and commercial uses along with design guidelines and an efficient process for public review, and also to permit secondary dwellings such as "mother- in-law apartments" in certain conditions; and

WHEREAS, the Housing Plan chapter of the Saint Paul Comprehensive Plan, adopted by the City Council on January 8, 1999, (with final adoption on January 9, 2002, after Metropolitan Council review) calls for streamlining the zoning approval process for new types of development along with design guidelines and quality standards that protect neighborhoods while making high-quality attached housing easier to provide, and also recommends amending the Zoning Code to provide for secondary and live-work dwellings in certain conditions; and

WHEREAS, the Saint Paul Housing Action Plan 2002, adopted by the City Council on June 26, 2002, specifically calls for adoption of urban village zoning text amendments, provisions to allow carriage house and secondary dwellings, and continuing steps to bring the Zoning Code into conformance with the comprehensive plan; and

WHEREAS, Minnesota Statutes §473.865 requires local official controls such as the Zoning Code to be amended to conform with the comprehensive plan; and

WHEREAS, the current organization of the Saint Paul Zoning Code, with dozens of somewhat random lists of land uses and conditions for uses, redundant and inconsistent language, and a confusing web of relationships and references among the lists of land uses under various zoning districts, makes the Zoning Code difficult to use and understand; and

WHEREAS, the new traditional neighborhood zoning regulations should function simply, clearly and efficiently, without creating new administrative burdens; should fit seamlessly into the existing Zoning Code; and ideally should help make zoning regulations simpler and easier to use; and

WHEREAS, development of a major new set of traditional neighborhood zoning districts is an opportunity to develop a more streamlined format for the Zoning Code as a whole, as well as more streamlined zoning approval processes; and

WHEREAS, the proposed more streamlined Zoning Code format, with land use tables for each zoning district category and land use standards and conditions logically organized by land use category, would be more user-friendly, much easier to use when accessed on the city web site, and of significant value to Saint Paul; and

WHEREAS, the existing OS-2 General Office-Service District was adopted two years ago as a temporary district to provide for development planned for the West Side Flats and the Upper Landing, and is intended to be replaced by the new TN3 Traditional Neighborhood District; and

WHEREAS, the *Upper Landing Urban Design Master Plan* was adopted by the City Council on February 14, 2001, and the *West Side Flats Master Plan and Development Guidelines* was adopted by the City Council on December 19, 2001; and

WHEREAS, the Planning Commission conducted a public hearing on the Traditional Neighborhood Zoning Districts and Zoning Code Reformatting Zoning Study on July 26, 2002, where all persons present were afforded an opportunity to testify concerning the content and recommendations of the zoning study; and

WHEREAS, on April 25, 2003, the Planning Commission recommended approval of the amendments to Chapters 60 through 69 of the Saint Paul Legislative Code pertaining to Zoning Code reformatting and streamlining, adding traditional neighborhood zoning districts and related amendments, recommended that the existing OS-2 General Office-Service District be replaced with the new TN3 Traditional Neighborhood District, and recommended that all property on the West Side Flats and Upper Landing currently zoned OS-2 General Office-Service be rezoned to TN3 Traditional Neighborhood District; and

WHEREAS, a public hearing before the City Council having been conducted on December 3, 2003, at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the amendments; NOW THEREFORE,

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1

That Legislative Code Chapters 60 through 69 is hereby amended to read as follows:

Chapter 60. Zoning Code ~~Adoption; Purpose;~~ General Provisions and Definitions; Zoning Districts ~~Uses~~ and ~~Requirements~~ Maps Generally

ARTICLE I. 60.100. ~~IN~~ GENERAL PROVISIONS AND EXCEPTIONS

Sec. 60.101~~0~~. Short title.

Chapters 60 through 69~~7~~ shall be known and may be cited as the Saint Paul Zoning Code.

(Code 1956, § 60.100; Ord. No. 16919, 5-27-82)

Sec. 60.102. Authority.

This zoning code is enacted pursuant to the authority granted to the municipality by Minnesota Statutes sections 462.351 through 462.365.

Sec. 60.103~~1~~. Intent and purpose.

This code is adopted by the City of Saint Paul for the following purposes:

(a~~1~~) To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community;

(b) To implement the policies of the comprehensive plan;

(c~~3~~) To classify all property in such manner as to encourage the most appropriate use of land throughout the city ~~reflect its peculiar suitability for particular uses~~;

(d~~4)~~ To regulate the location, construction, reconstruction, alteration and use of buildings, structures and land;

(e~~5~~) To ensure adequate light, air, privacy and convenience of access to property;

(f) ~~12)~~ To facilitate the adequate provision of transportation, water, sewage disposal, education, recreation and other public requirements;

(g) ~~11)~~ To lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles;

(h) To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic;

(i) To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods;

(j) To provide housing choice and housing affordability;

(k) ~~2)~~ To promote the conservation of energy and the utilization of renewable energy resources;

(l) ~~6)~~ To conserve and improve property values;

(m) ~~7)~~ To protect all areas of the city from harmful encroachment by incompatible uses;
(n) ~~8)~~ To prevent the overcrowding of land ~~with buildings;~~ and ~~(9) To avoid~~ undue congestion of population;
(o) ~~10)~~ To fix reasonable standards to which buildings, structures and uses shall conform;
(p) ~~13)~~ To provide for the adaptive reuse of nonconforming buildings and structures and for the elimination of nonconforming uses of land;
(q) ~~14)~~ To define the powers and duties of the administrative officers and bodies;
(r) ~~15)~~ To provide penalties for violations of the provisions of this code or any subsequent amendment thereto; and,
(s) ~~16)~~ To provide for a board of zoning appeals and its powers and duties.
(Code 1956, § 60.200)

Sec. 60.104~~2~~. Construction of language.

The following rules of construction apply to the text of this code:
(a~~1~~) The particular shall control the general.
(b~~2~~) In case of any difference of meaning or implication between the text of this code and any caption or illustration, the text shall control. Illustrations in this zoning code are provided for purposes of describing, clarifying or providing examples; such illustrations are not to scale and do not replace, limit or expand the meaning of the text.
(c~~3~~) The word "shall" is mandatory, and the word "may" is permissive.
(d~~4~~) Words used in the present tense include the future; words used in the singular number include the plural, and the plural the singular, unless the context clearly indicates the contrary.
(e~~5~~) The word "building" includes "structure" and any part thereof.
(f~~6~~) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
(g~~7~~) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
(h~~8~~) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
(1) ~~a.~~ "And" indicates that all the connected items, conditions, provisions or events shall apply.
(2) ~~b.~~ "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
(3) ~~c.~~ "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
(i~~9~~) "Abut" means having a common boundary or relationship at either a common property line, street or alley.
(j) "Adjacent" means located nearby, with or without contact.
(k) ~~10)~~ "Adjoin" means having a common boundary or relationship at a common property line.
(l) "Contiguous" means abutting.
(m) A "-" shall mean "through" when used between zoning district abbreviations within a land use category, e.g., "RT1-RM2" Residential Districts shall mean RT1, RT2, RM1, and RM2 Residential Districts.
(Code 1956, § 60.300)

Sec. 60~~2~~.105~~1~~. Scope of regulations.

No building or structure, or part thereof, shall hereafter be erected, constructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this code.
(Code 1956, § 62.101)

Sec. 60~~3~~.106~~1~~. Essential services.

Essential services shall be permitted as authorized and regulated by law and other provisions of the Saint Paul Legislative Code, it being the intention hereof to exempt such essential services from the application of this zoning code.
(Code 1956, § 63.100)

Sec. 60~~3~~.107~~2~~. Voting place.

The provisions of this code shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
(Code 1956, § 63.101)

Sec. 60~~4~~.5108~~0~~. ~~Interpretation~~ Requirements declared minimum .

In their interpretation and application, the provisions of this code shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, aesthetics, economic viability, convenience or general welfare. It is not intended by this code to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law, ordinance, rules or regulations. The city may impose additional requirements where deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning code and the policies of the comprehensive plan.

(Code 1956, § 64.213)

Sec. 60~~2~~.109~~0~~. ~~Conflicting~~ Other city, local, regional, state and federal regulations.

(a) *Conflicting regulations.* Whenever any provision of this code conflicts with ~~imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the~~ any other provision~~s~~ of this code or any other law or ordinance, ~~then~~ the more restrictive provision ~~s of this code~~ shall govern, except as otherwise specifically provided. ~~Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this code, then the provisions of such ordinance or law shall govern.~~

(b) *Reference to other regulations.* In addition to the requirements of this zoning code, all uses and development shall comply with all other applicable city, local, regional, state and federal regulations. All references in this zoning code to other city, local, regional, state or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of other local, regional, state or federal regulations.

(c) *Current versions and citations.* All references to other city, local, regional, state or federal regulations in this zoning code are intended to refer to the most current version and citation for those regulations. If such references are no longer valid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern, unless otherwise specified.

(Code 1956, § 62.100)

Sec. 60.110. Reasonable accommodation.

The city has a legitimate interest in preserving the character of residential neighborhoods by adopting regulations relating to the number and type of structures and uses, the number of persons who may occupy a dwelling or structure, and off-street parking, in order to control population density, noise, disturbance and traffic congestion. However, these regulations shall not be applied so as to prevent the city from making reasonable accommodation as required by the Federal Fair Housing Act Amendments of 1988

Sec. 60.111. Private easements or covenants.

This zoning code is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this zoning code are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the regulations of the zoning code shall govern

Sec. 60.112. Severability.

(a) *Severability of text.* If any portion of this zoning code is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the zoning code, and such determination shall not affect the validity of the remainder of the zoning code.

(b) *Severability of application.* If the application of any portion of this zoning code to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

Sec. 60~~4.50~~113. Vested right.

Nothing in this code shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

(Code 1956, § 64.214)

ARTICLE II. 60.200. GENERAL DEFINITIONS

Sec. 60.201~~0~~. General definitions.

For the purposes of this zoning code, the terms defined in *Article II. 60.200. General Definitions* ~~Sections 60.201 through 60.226~~ shall have the meanings ascribed to them ~~t~~herein. Where terms are not defined herein ~~in those sections~~, they shall have ascribed to them their ordinarily accepted meanings and/or such as the context herein may imply.

(Code 1956, § 301)

Sec. 60.202~~1~~. A.

~~*Accessory use* or *accessory.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Adult bookstore.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Adult cabaret.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Adult conversation/rap parlor.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

~~*Adult health/sport club.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Adult massage parlor.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Adult mini-motion picture theatre.*~~ [Moved to new *Ch. 65. Land Use Definitions and Devt. Standards*.]

~~*Adult motion picture theatre.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

~~*Adult steam room/bathhouse facility.*~~ [Moved to new *Ch. 65. Land Use Definitions and Devt. Standards*.]

~~*Adult uses.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Airport.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Alley. A dedicated public way not more than thirty (30) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration. Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as foundations, walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

~~*Antenna, cellular telephone.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Antenna, public utility microwave.*~~ [Moved to new *Ch. 65. Land Use Definitions and Devt. Standards*.]

~~*Antenna, radio and television, broadcast transmitting.*~~ [Moved to new *Chapter 65*.]

~~*Antenna, radio and television receiving.*~~ [Moved to new *Ch. 65. Land Use Definitions and Devt. Standards*.]

~~*Antenna, satellite dish.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Antenna, short-wave radio transmitting and receiving.*~~ [Moved to new *Chapter 65*.]

Apartment. A suite of rooms or a room in a multiple-family dwelling arranged and intended for a place of residence of a single family.

Applicant. The applicant for a building, grading or fill permit, plat approval or site plan review.

~~*Artist's studio.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Attic. An unfinished space immediately below the roof of a main building.

~~*Auto body shop.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Auto convenience market.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Auto repair station.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Auto service station.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Auto specialty store.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

(Code 1956, §§ 60.302--60.307; Ord. No. 16799, 5-28-81; Ord. No. 17039, 7-7-83; Ord. No. 10-6-83; Ord. No. 17204, 1-15-85; Ord. No. 17521, §§ 1, 2, 1-6-88; Ord. No. 17550, § 1, 4-12-88; Ord. No. 17564, § 1, 5-19-88; Ord. No. 17680, § 1, 9-14-89; Ord. No. 17889, § 1, 11-21-89; C.F. No. 93-279, § 2, 3-25-93; C.F. No. 93-1718, §§ 1--6, 12-14-93; C.F. No. 93-1815, §§ 1--3, 12-28-93; C.F. No. 95-352, § 1, 5-3-95; C.F. No. 95-557, § 1, 6-14-95; C.F. No. 95-471, § 1, 8-9-95; C.F. No. 95-1060, § 1, 9-27-95; C.F. No. 95-1140, § 1, 10-18-95; C.F. No. 96-462, § 1, 6-5-96; C.F. No. 96-694, § 1, 7-10-96)

Sec. 60.203~~2~~. B.

Backwater. A body of water connected with, but little affected by, the main stream.

Barge fleeting area. An area on the river, on or off channel, where barges are temporarily parked and secured while tows are assembled or broken up.

Barge slip. A basin, usually adjacent to a wharf, jetty, dock or other cargo-handling facility, where barges are brought for the purposes of loading or unloading cargo.

Basement. ~~That~~ A portion of a building ~~which~~ that is partly ~~or wholly~~ below grade ~~but~~ and so located that the vertical distance from the average grade to the floor is less than the vertical distance from the average grade to the ceiling (that is, more than half way above ground). This portion of a building is not a completed structure and serves as a substructure or foundation for a building.

Basement (River Corridor District only). Any area of a structure having its floor subgrade (below ground level) on all four (4) sides.

~~*Bed and breakfast residence.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

Block. The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating); or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other physical barrier to the continuity of development, or corporate boundary line of the municipality.

Bluffline. A line along the top of certain steep slopes facing the Mississippi River Valley as shown on the River Corridor Zoning Maps. In any particular case, the bluffline shall mean a line drawn along the top of the bluff such that the slope below the line is steeper than eighteen (18) percent and the slope above is eighteen (18) percent or less.

~~*Boarding care home.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Boardinghouse.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Brew on premises store.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Brewery, micro and regional.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

~~*Brewery, national.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Buildable area. That area of a platted lot lying within the required setbacks, exclusive of those areas that are prohibited from development due to steep slopes, wetlands, easements or other conditions protected by ordinance or legal agreement.

Building. Any permanent structure having a roof supported by columns or walls, specifically excluding ~~the~~ trailers ~~or~~ and semitrailers as defined by Minnesota Statutes, Chapter 169.

Building code. The Minnesota State Building Code, as adopted by the City of Saint Paul under Chapter 33 of the Saint Paul Legislative Code.

Building height. The vertical distance measured from the established grade to the highest point of the roof surface for flat and shed roofs; to the ~~deck~~ break line of mansard and gambrel roofs; and to the average height between eaves and ridge for gable~~,~~ and hip ~~and gambrel~~ roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. The existing grade of the property may not be raised around a new building or foundation in order to comply with the height requirements of this code. When there is a dormer build into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s) exceeds fifty (50) percent or more of the width of any side of the building.

Building line. A line formed by the above grade face of the building, and for the purpose of this code, a minimum building line is the same as a front setback line.

Building, totally or completely enclosed. A structure which provides for all uses to be carried on within walls, and is furnished with doors so that the facility may be totally closed from access.

Business. The engaging in the purchase, sale, barter or exchange of goods, wares, or merchandise or the maintenance or operation of offices or recreational or amusement enterprises, or the furnishing of services for compensation.

(Code 1956, §§ 60.308--60.314, 60.318; Ord. No. 16876, 1-28-82; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17393, § 1, 9-4-86; Ord. No. 17476, § 2, 7-15-87; Ord. No. 17889, § 2, 11-21-91; C.F. No. 92-479, § 1, 10-29-92; C.F. No. 91-531, § 1, 5-6-93; C.F. No. 96-77, § 1, 2-14-96; C.F. No. 96-1594, § 1, 1-22-97)

Sec. 60.204~~3~~. C.

Caliper inches. The length of a straight line measured through the trunk of a tree six (6) inches above the ground.

Canopy. The horizontal extension of a tree's branches in all directions from its trunk.

Capitol area. The area encompassing the state capitol and its surroundings as shown on zoning maps. The zoning regulations in this area are under the jurisdiction of the Capitol Area Architectural and Planning Board.

Cellar. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling (that is, more than half-way below ground). This portion is not a completed structure and serves as a substructure or foundation for a building.

City engineer. The so designated city engineer of the department of public works of the City of Saint Paul.

Clear cutting. The removal of an entire stand of trees and shrubs.

~~*Clinic.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Club.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Cluster development.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Code. "Code" or "this code," unless the context clearly indicates the Legislative Code or some other code (building, housing, fire, etc.) means the Saint Paul Zoning Code.

~~*Coffee kiosk.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*College, university or seminary.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

Commercial vehicle. Any vehicle serving purposes other than the transportation of persons or registered for a gross vehicle weight of more than nine thousand (9000) pounds. This definition includes, but is not limited to buses, semi-trailers, tractors, skid loaders, flatbeds, dump trucks, hearses, farm equipment, trailers, and trucks that are designed for use in construction, snow removal or tree trimming.

~~*Community residential facility, licensed correctional.*~~ [Moved to new *Chapter 65*.]

~~*Community residential facility, licensed human service.*~~ [Moved to new *Chapter 65*.]

~~*Community residential facility, health department licensed.*~~ [Moved to new *Chapter 65*.]

Comprehensive plan. ~~(See: "master plan.")~~ The city's comprehensive plan, being a compilation of policy statements, goals and objectives, standards, maps, and statistical data to guide the physical, social and economic development, both public and private, of the community, as adopted by the city council, including any amendments or small area plans adopted as addenda to the comprehensive plan.

~~*Conversation/rap parlors.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Council. The council of the City of Saint Paul.

~~*Currency exchange.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

(Code 1956, §§ 60.315--60.317, 60.319; Ord. No. 16876, 1-28-82; Ord. No. 17039, 1-7-83; Ord. No. 17054, 10-6-83; Ord. No. 17204, 1-15-85; Ord. No. 17564, § 2, 5-19-88; Ord. No. 17646, § 3, 4-6-89; Ord. No. 17845, § 1, 6-27-91; Ord. No. 17889, § 3, 11-21-91; C.F. No. 93-1718, § 7, 12-14-93; C.F. No. 94-1863, § 1, 1-18-95; C.F. No. 96-1342, § 1, 11-13-96; C.F. No. 00-972, 11-8-00)

Sec. 60.205~~4~~. D.

~~*Day care.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Dance hall, public.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

DBH. Diameter at breast height, or the diameter in inches of a tree measured at four and one-half (4 ½) feet above the existing grade.

Development. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Development (River Corridor District only). The making of any material change in the use or appearance of any structure or land including, but not limited to: a reconstruction, alteration of the size, or material change in the external appearance, of a structure or the land; a change in the intensity of use of the land; alteration of a shore or bank of a river, stream, lake or pond; a commencement of drilling (except to obtain soil samples); mining or excavation; demolition of a structure; clearing of land as an adjunct to construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land; or the dividing of land into two (2) or more parcels.

District. A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this zoning code.

~~*Dormitory.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Drip line. An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

~~*Drive-in restaurant.* (See: "Restaurant, drive-in.")~~

~~*Dwelling, one-family.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Dwelling, two-family.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Dwelling, three-family.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Dwelling, four-family.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Dwelling, multiple-family.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Dwelling, townhouse.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Dwelling, carriage house.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Dwelling unit. A building, or portion thereof, designed for occupancy by one family for residential purposes used or intended to be used for living, sleeping and cooking or eating purposes.

(Code 1956, §§ 60.320--60.327; Ord. No. 16876, 1-28-82; Ord. No. 16956, 9-9-82; Ord. No. 17039, 7-7-83; Ord. No. 17524, § 3, 1-6-88; Ord. No. 17540, § 1, 2-18-88; Ord. No. 17646, § 4, 4-6-89; Ord. No. 17889, § 4, 11-21-91; C.F. No. 93-1718, §§ 8, 9, 12-14-93; C.F. No. 00-972, 11-8-00)

Sec. 60.2065. E.

Earth-sheltered structure. Any completed building constructed so that fifty (50) percent of the exterior surface area of the building excluding garages and other accessory buildings is covered with earth, and constructed to the following standards:

(1) Eighty (80) percent or more of the roof area is covered with a minimum depth of twelve (12) inches of earth;
(2) Fifty (50) percent or more of the wall area is covered with a minimum depth of twelve (12) inches of earth;
(3) Those portions of the structure not insulated with a minimum of seven (7) feet of earth shall have additional insulation.

~~*Emergency housing facility.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Erected. The word "erected" includes built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for the building or structure. Excavation, fill, drainage and the like shall be considered a part of erection.

Erosion. The general process by which soils are removed by flowing surface or subsurface water or by wind.

Essential services. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electric, steam, fuel or water transmission or distribution system collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation. Any breaking of ground, except common household gardening and ground care.

(Code 1956, §§ 60.328--60.330, 60.396; Ord. No. 16876, 1-28-82; Ord. No. 17039, 7-7-83; Ord. No. 17845, § 2, 6-27-91)

Sec. 60.2076. F.

Facility resident. A person who resides in a community residential facility and contributes toward meeting the facility's licensed capacity.

Family. One or two (2) persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four (4) or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

Fence, obscuring. A fence which is eighty (80) percent or more opaque.

~~*Finishing shop.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Firearm. Any weapon from which is propelled any missile, projectile, bullet or other mass through a barrel by means of explosives or gas or air, but excluding antique firearm, children's toy, "BB" gun, scuba gun, stud gun, nail gun, or similar industrial tool or medical instrument.

Firearms dealer. A person who is federally licensed to sell firearms.

Flood. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood fringe. That portion of the floodplain outside of the floodway.

Flood proofing. Those methods of construction described in the Uniform State Building Code which, when applied to structures or properties, will prevent or mitigate damage from floods.

Flood protection elevation. That elevation not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain.

Flood, regional. A flood which is representative of large floods known to have occurred and characteristic of what can be statistically expected to have a one-percent (1%) chance of being equaled or exceeded in any given year ~~occur on an average of once every one hundred (100) years~~ and have water surface elevations equal to those filed with and made a part of the River Corridor District Zoning Map. Regional flood is synonymous with the term "base flood" in the Flood Insurance Study, and is commonly referred to as the "100-year flood" or "1% chance flood."

Flood, standard project. The flood that may be expected from the most severe combination of the meteorological and hydrological conditions that is considered reasonably characteristic of the Saint Paul geographic area, excluding extremely rare combinations. Such floods are intended as practicable expressions of the degree of protection that should be sought in the design of flood-control works, the failure of which might be disastrous.

Floodplain. The areas adjoining a watercourse at or below the water surface elevation associated with the regional flood that have been or hereafter may be covered by the regional flood.

Floodway. The channel of the watercourse and those portions of the adjoining floodplain~~s~~ which have been determined necessary to carry and discharge the regional flood. The floodway has been determined in accordance with Minnesota Statutes, Chapter 104, and Minnesota Regulations NR 85.

Floor area. The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures.

Floor area, gross (for the purposes of computing parking). The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The gross floor area measurement is exclusive of areas of unfinished basements, unfinished cellars, unfinished attics, attached garages, space used for off-street parking or loading, breezeways, enclosed and unenclosed porches and accessory structures. However, unfinished basements and unfinished cellars are counted as storage space for purposes of meeting parking requirements.

Floor area, gross leasable (for the purposes of computing shared parking under section 63~~2.1~~2063~~(c)~~). The total floor area of a building or structure designed for the tenants' occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet and measured from the outside face of the exterior walls and from the centerline of common walls or joint partitions. All that area for which tenants pay rent, including sales and integral stock areas, but excluding stairwells, elevator shafts, mechanical rooms, space related to the operation and maintenance of the building, and lobbies and bathrooms located for common or public use rather than for tenant or internal use.

Floor area ratio (F.A.R.) The total floor area of all buildings or structures on a zoning lot divided by the area of said lot.

Floor area, usable. That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers and all that area devoted to employee workspace. Such floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator or stair bulkheads or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the horizontal areas of the several floors of the building, measured from the exterior faces to the exterior walls.

~~*Florist.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Food shelf.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Foster home.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Fraternity house.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Freestanding foster care home.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

Front setback line. A line which is parallel to the front lot line which establishes the minimum front yard depth of a zoning lot. The location of such front setback line shall be determined by the required depth of the front yard as prescribed in the ~~schedule of regulations~~ dimensional standards of this code (Chapter 66~~1~~).

(Code 1956, §§ 60.331--60.336, 60.339, 60.396; Ord. No. 16876, 1-28-82; Ord. No. 16931, 6-15-82; Ord. No. 16956, 9-9-82; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17524, § 4, 1-6-88; Ord. No. 17646, § 4, 4-6-89; Ord. No. 17845, § 3, 6-27-91; C.F. No. 91-531, § 2, 5-6-93; C.F. No. 91-261, § 1, 11-23-93; C.F. No. 95-20, § 1, 3-15-95; C.F. No. 95-203, § 1, 3-22-95; C.F. No. 95-1140, § 2, 10-18-95)

Sec. 60.208~~7~~. G.

Grade. The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

~~*Greenhouse.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Greenhouse, industrial.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Guest room. A room or a group of rooms forming a single habitable unit which is located within the walls of a dwelling unit and which is used or intended to be used for sleeping and living, but not for cooking or eating purposes and which is let individually as a unit. The guest room, designed and intended to be rented to a single party, shall consist of no more than two (2) rooms, not including bathing facilities, of which only one (1) shall be a sleeping room.

~~*Gun shop.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

(Code 1956, §§ 60.337, 60.340, 60.397, 60.398; Ord. No. 17039, 7-7-83; Ord. No. 17393, § 1, 9-4-86; Ord. No. 17470, § 1, 7-1-87; C.F. No. 95-20, § 2, 3-15-95; C.F. No. 95-1140, § 3, 10-18-95)

Sec. 60.209~~8~~. H.

Hazardous waste. Any refuse or discarded material or combinations of refuse or discarded materials in solid, semisolid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties. Categories of hazardous waste include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include sewage sludge and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

~~*Hazardous waste processing facility.*~~ [Moved to new *Ch. 65. Land Use Definitions and Devt. Standards*.]

~~*Health/sport club.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Heliport.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Helistop.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Heliport or helistop, private.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

~~*Heliport or helistop, public.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Historic structure (River Corridor District only). Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; or

(3) Designated by the city as a heritage preservation site.

~~*Home occupation.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Hospice.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Hospital.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Housing for the elderly.*~~ [Moved to new *Land Use Definitions and Development Standards*.]

(Code 1956, §§ 60.341, 60.342; Ord. No. 17039, 7-7-83; Ord. No. 17302, § 1, 10-29-85; Ord. No. 17524, § 5, 1-6-88; Ord. No. 17550, § 4, 4-12-88; Ord. No. 17564, § 3, 5-19-88; Ord. No 17680, § 2, 9-14-89; Ord. No. 17845, § 4, 6-27-91; C.F. No. 91-531, § 3, 5-6-93; C.F. No. 95-1140, § 4, 10-18-95)

Sec. 60.210~~9~~. I.

~~*Individual sewage treatment system.*~~ [Moved to *Sec. 60.220. S. Sewage treatment system, individual.*]

~~*Infectious waste processing facility.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

Infectious waste. Waste meeting the definition of "infectious waste" under Minnesota Statutes, section 116.76, subdivision 12.

Institutional uses. For the purposes of siting cellular telephone antennas, schools (excluding day care uses), parks, cemeteries, golf courses, sports arenas, churches, hospitals, libraries, athletic fields, and land or structures owned by the city, county, state, or federal governments.

~~*Intermodal freight yard.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

(Ord. No. 17889, § 6, 11-21-91; C.F. No. 92-1217, § 1, 10-6-92; C.F. No. 93-906, § 1, 11-4-93; C.F. No. 97-565, § 1, 6-11-97)

Sec. 60.211~~0~~. J.

~~**Editor's note**- Ordinance No. 17777, adopted Oct. 11, 1990, amended § 60.210. J. by deleting the definition of "junkyard" contained therein. Prior to this amendment, § 60.210. J. was derived from Code 1956, § 60.343; and Ord. No. 17039, adopted July 7, 1983.~~

Sec. 60.212~~1~~. K.

Sec. 60.213~~2~~. L.

Landscaping. Includes plants such as trees, grass and shrubs.

Limits of disturbance. The total area within a development site that will be disturbed in any way for land alteration or construction.

Loading dock. A large building door primarily used for loading/unloading items from trucks. The floor of a loading door dock is raised above the truck ramp's surface. This excludes bay doors that ~~which~~ are large building doors through which vehicles can drive.

Loading space. An off-street space, on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A parcel of land occupied, or intended to be occupied, by a main building or a group of main buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this zoning code. A lot may or may not be specifically designated as such on public records.

Lot area. The total horizontal area within the lot lines of the lot.

Lot, corner. A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this code if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage. The part or percent of the lot occupied by the above-grade portion of buildings.

Lot depth. The average horizontal distance between the front and rear lot lines.

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

Lot lines. The lines bounding a lot as defined herein:

(1) Front Lot Line: For an interior lot, the line separating said lot from the street. For a corner lot, the line separating said lot from either street. For a through lot, the line separating said lot from both streets.

(2) Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

(3) Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from the street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record. A platted parcel of land, the dimensions of which are shown on a document or map on file with the county recorder and which parcel of land actually exists as so shown; in no case shall a portion of an original platted lot constitute a lot of record.

Lot, reversed frontage corner. A corner lot, the rear lot line of which abuts a side lot line of an abutting lot.

Lot, through. Any lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.

Lot width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

Lot, zoning. A single tract of land which, at the time of filing for a building permit, is designated by its owners or developers as a tract to be used, developed or built upon as a unit, under ownership or control of one person or joint tenants. A zoning lot shall satisfy this code with respect to area, size, dimensions and frontage as required in the district or districts in which the zoning lot is located. A zoning lot, therefore, may or may not coincide with a lot of record as filed with the county recorder but may include one or more lots of record.

(Code 1956, §§ 60.344--60.356; Ord. No. 16799, 5-28-81; Ord. No. 16876, 1-28-82; Ord. No. 16956, 9-9-82; Ord. No. 17524, § 6, 1-6-88; Ord. No. 17889, § 5, 11-21-91; C.F. No. 95-203, § 2, 3-22-95; C.F. No. 00-130, § 1, 3-1-00)

Sec. 60.214~~3~~. M.

Main (principal) building. A building in which is conducted the principal use of the zoning lot upon which it is situated.

Main (principal) use. The principal use to which the premises are devoted.

Major expansion. An expansion involving a twenty (20) percent or greater addition to the total land area presently covered or used by a residential, industrial, commercial, recreational or public facility.

~~*Major Thoroughfare.*~~ [Moved to *Sec. 60.221. T. Thoroughfare, Major.*]

Manufactured single-family dwelling. A structure transportable in one or more sections which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. No manufactured dwelling shall be moved into the City of Saint Paul which does not meet the Manufactured Home Building Code as defined in Minnesota Statutes, Section 327.31, Subdivision 3.

~~*Massage center.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards.*]

Master plan~~ or comprehensive plan~~. ~~The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality. Includes~~

~~any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the city council.~~ A plan for a specific site proposed for development or redevelopment under the provisions of the TN3 District, in order to demonstrate compliance with the intent of that district.

~~*Metal shredder, large.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Metal shredder, small.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Mezzanine. An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (⅓) of the area of the room or space in which the level or levels are located.

~~*Mining.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Mississippi River Corridor. That area of the city within the boundaries of the Mississippi River Corridor Critical Area, established by Executive Order No. 79-19.

~~*Motor vehicle salvage operation.*~~ [Moved to new *Chapter 65.Land Use Definitions and Devt. Standards*.]

Multiuse retail center. A single, unified development on one (1) zoning lot ~~which~~ that provides commercial space to a variety of retail uses and has at least twenty thousand (20,000) square feet of gross leasable area.

Municipality. The City of Saint Paul.

(Code 1956, §§ 60.357--60.362, 60.389, 60.393, 60.594; Ord. No. 16876, 1-28-82; Ord. No. 16913, 4-27-82; Ord. No. 17039, 7-7-83; Ord. No. 17054, 10-6-83; Ord. No. 17564, § 4, 5-19-88; Ord. No. 17689, § 1, 10-26-89; Ord. No. 17777, 10-11-90; Ord. No. 17845, § 5, 6-27-91; C.F. No. 93-1718, § 10, 12-14-93; C.F. No. 97-1406, § 1, 12-10-97)

Sec. 60.215~~4~~. N.

Net acreage, net area. The area of a tract or parcel that is designated for development on a master plan, site plan or other development plan, not including any area occupied by a public or private street or alley right-of-way, pedestrian right-of-way, designated wetland or water body, or designated public open space.

Nonconforming building. A lawful building existing on the effective date of adoption (October 24, 1975) or amendment of this code but that does not now comply with the area, width, height, yard, percent of lot coverage, or other regulations concerning bulk or location on the lot, or spacing requirements from another use, off-street parking and loading requirements, or other regulations of the district in which it is located.

Nonconforming use. A lawful use existing on the effective date of adoption (October 24, 1975) or amendment of this code but that is not now permitted in the district in which it is located.

Normal highwater mark. A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence of the level upon the landscape. It is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. When the normal highwater mark is not evident, setbacks shall be measured from the stream bank of the main channel, adjoining side channels, backwater and sloughs.

Nuisance. A substantial unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious or offensive.

~~*Nursing home.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

(Code 1956, §§ 60.363--60.365(1); Ord. No. 16876, 1-28-82; C.F. No. 96-307, § 1, 4-24-96)

Sec. 60.216~~5~~. O.

Obscene. Obscene has the same meaning as defined in Chapter 274 of the Saint Paul Legislative Code.

Obscene work. Obscene work has the same meaning as defined in Chapter 274 of the Saint Paul Legislative Code.

Obstruction (River Corridor District only). Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water.

~~*Off-street parking facility.*~~ [Moved to *Sec. 60.217. P.* below.]

~~*Overnight shelter.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Open space. Land and water areas retained for use as active or passive recreation areas or for resource protection. For the calculation of minimum open space within a TN3 Traditional Neighborhood District development, open space shall not include parking facilities, driveways, utility or service areas, or required yards.

Owner. "Ownership" or "owner" shall mean holder of fee simple title.

(Code 1956, §§ 60.366, 60.367; Ord. No. 16799, 5-28-81; Ord. No. 17564, § 5, 5-19-88; Ord. No. 17845, § 6, 6-27-91; C.F. No. 91-531, § 4, 5-6-93)

Sec. 60.217~~6~~. P.

~~*Package delivery service.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Parking. The placement of automobiles, trucks, trailers, semitrailers, intermodal cargo containers, or other vehicles for five (5) or fewer days.

~~*Parking facility, commercial.*~~ [Moved to new *Chapter 65. Land Use Definitions an d Devt. Standards*.]

Parking facility, off-street. All areas, spaces and structures designed, used, required or intended to be used for the parking of more than three (3) motor vehicles. This definition is intended to include adequate driveways, accessways, parking bays, garages, of a combination thereof, but does not include public roads, streets, highways and alleys.

Parking space. An area of definite length and width designed for parking of motor vehicles; said area shall be exclusive of drives, aisles or entrances giving access thereto.

Pathological waste. Waste meeting the definition of "pathological waste" under Minnesota Statutes, section 116.76, subdivision 14.

~~*Pawn shop.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Planning administrator or *planning coordinator.* The head of the division of planning of the department of planning and economic development of the City of Saint Paul, or such employees under his direction as he may designate.

Planning department. The division of planning of the department of planning and economic development of the City of Saint Paul.

Planning district. One (1) of seventeen (17) geographic areas delineated, and from time to time amended, by the city council to facilitate citizen participation, early notification of proposed city actions, and planning for the purpose of determining concentration of community residential facilities. Planning District Thirteen is divided into three (3) separate planning districts: Merriam Park, Snelling-Hamline and Lexington-Hamline. An official map of the designated areas is maintained by the department of planning and economic development.

Ponding area. A basin which retains stormwater runoff from an adjacent area.

Principal use or building. (See "main building" and "main use.")

Public realm. That aspect of the urban environment that is visible and accessible to the public, including both public spaces – such as streets, plazas, sidewalks and parks – and the building walls that frame them.

Public utility. A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing to the public, under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

(Code 1956, §§ 60.368--60.371, 60.395; Ord. No. 16799, 5-28-81; Ord. No. 16876, 1-28-82; Ord. No. 17845, § 7, 6-27-91; C.F. No. 93-906, § 2, 11-4-93; C.F. No. 96-1028, § 1, 10-9-96; C.F. No. 98-216, § 7, 4-8-98; C.F. No. 00-130, § 2, 3-1-00)

Sec. 60.218~~7~~. Q.

Sec. 60.219~~8~~. R.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

Recyclable material. Reusable material including, but not limited to, glass, plastics and synthetic materials, paper products (such as newspapers, stationery, scrap paper, computer paper and corrugated cardboard), rubber, batteries, ferrous and nonferrous metals, concrete, asphalt, wood, and building materials, but not including yard waste or mixed municipal solid waste (garbage).

~~*Recycling collection center.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Recycling drop-off station.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Recycling processing center.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

Regulatory flood protection elevation. That elevation not less than one foot above the water surface profile associated with the regional flood plus any increase in flood heights attributable to encroachments on the floodplain.

~~*Restaurant.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Restaurant, carry-out.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Restaurant, fast-food.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Room.* For the purpose of determining lot area requirements and density in a multiple-family district a living room, dining room or bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one-, two- or three-bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.~~

~~*Roominghouse:*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Root zone. The area under a tree that is at and within the drip line of a tree's canopy.

(Code 1956, §§ 60.372--60.375; Ord. No. 16876, 1-28-82; Ord. No. 17689, § 2, 10-26-89; Ord. No. 17777, 10-11-90; Ord. No. 17889, § 7, 11-21-91; C.F. No. 92-479, § 2, 10-29-92; C.F. No. 91-531, § 5, 5-6-93; C.F. No. 93-1718, § 11, 12-14-93; C.F. No. 95-472, § 1, 5-31-95; C.F. No. 96-462, § 2, 6-5-96; C.F. No. 97-1406, § 2, 12-10-97)

Sec. 60.220~~19~~. S.

Setback. The distance required to obtain front, side or rear yard open space provisions of this code, measured from the lot line to the above-grade faces of the building.

~~*Sewage disposal system.* (See "Individual sewage treatment system.")~~ [see below]

Sewage treatment system, individual . A sewage treatment system or part thereof serving a dwelling, or other establishment or group thereof, that uses subsurface soil treatment and disposal or aboveground soil treatment in areas of high water table or bedrock or rapidly or slowly permeable soils.

~~*Shelter for battered persons.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

Shoreland. Land located within the following distances from public waters: (a) One thousand (1,000) feet from the normal high water mark of a lake, pond, or flowage; and (b) three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances, as determined by the Minnesota Department of Natural Resources.

Sign. (See *Chapter 64~~6~~ Signs*.)

Slopes, steep. Slopes which are steeper than one hundred (100) feet horizontal to twelve (12) feet vertical but are not steeper than one hundred (100) feet horizontal to eighteen (18) feet vertical (12%--18%).

Slopes, very steep. ~~means~~ Slopes which are steeper than one hundred (100) feet horizontal to eighteen (18) feet vertical (18% and over).

~~*Solid waste compost facility.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

~~*Sorority house.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

Specified anatomical areas:

(1) Less than completely and opaquely covered:
  a. Human genitals;
  b. Pubic region;
  c. Buttocks; and
  d. Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities:

(1) Human genitals in a state of sexual stimulation or arousal;
(2) Acts of human masturbation, sexual intercourse or sodomy; and
(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
(4) No obscene work shall be allowed.

~~*State fair parking.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards*.]

~~*Steam room/bathhouse facility.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards*.]

Storage. The placement of items such as, but not limited to, the following: merchandise for sale or rent; materials awaiting servicing, processing or manufacturing; finished products of a servicing, processing or manufacturing operation; equipment; portable storage containers but excluding trash containers or garbage dumpsters ~~which~~ that are accessory to the main use; and automobiles, trucks, automobile trailers, semitrailers, intermodal cargo containers, or other vehicles not used for more than five (5) days.

Story. That part of a building, except a mezzanine, as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, half. An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the purpose of this code, the gross floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Street. A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Street, collector. A street connecting neighborhoods within the same communities and designed to carry traffic from local streets to the arterial system.

Street line. The property line separating private or public property from a designated street.

Street, local. A street connecting blocks within neighborhoods and designed for short trips at low speeds.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Superintendent of parks. The superintendent of parks of the City of Saint Paul.

Swimming pool. A pool or tub constructed either above or below grade and having a capacity of five thousand (5,000) or more gallons.

(Code 1956, §§ 60.376--60.385; Ord. No. 16876, 1-28-82; Ord. No. 16913, 4-27-82; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17564, § 6, 5-19-84; Ord. No. 17646, § 4, 4-6-89; Ord. No. 17667, § 1, 7-13-89; Ord. No. 17827, § 1, 5-9-91; Ord. No. 17845, § 8, 6-27-91; Ord. No. 17889, § 8, 11-21-91; C.F. No. 92-1479, § 1, 12-15-92; C.F. No. 91-261, § 3, 11-23-93; C.F. No. 97-1089, § 1, 10-1-97; C.F. No. 98-216, § 8, 4-8-98)

Sec. 60.221~~0~~. T.

Temporary use or building. A use or building permitted to exist under specific stipulations of this code during periods of construction of the main building or use, or for special events.

~~*Thoroughfare.* The principal arterials, intermediate arterials, minor arterials level A and B, and collector streets as shown on Map 1, Functional Street Classification, a part of Chapter 66 of the Zoning Code.~~

Thoroughfare, major. An arterial street which is intended to serve large volumes of traffic for both the municipal area and the region beyond and shall include the following as defined in the comprehensive plan:

(1) Principal Arterial: A street serving the entire metropolitan area and designed for high-volume, high-speed traffic, accessible only from entrance and exit ramps; principal arterials are often referred to as freeways.

(2) Intermediate Arterial: A street connecting subregions and communities and designed to carry medium distance trips at high speeds; ideally direct access should be at major activity centers such as shopping centers.

(3) Minor Arterial: A street connecting adjacent subregions and communities within the same subregion and designed to carry medium distance trips at moderate speeds; many of these streets are characterized by adjacent residential uses.

~~*Totally or completely enclosed building.*~~ [Moved to *Sec. 60.203. B. Building, totally or completely enclosed.*]

Transit street. Those streets or segments of streets where there is high volume transit service and/or a minimum level of 10 minute peak frequency as follows: University Avenue, Robert Street between University Avenue and Concord Street, Concord Street between Wabasha Street and State Street, and Wabasha Street between Twelfth Street and Winifred Street.

~~*Transitional housing facility.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards.*]

Tree. Any self-supporting, woody, perennial plant, usually with one (1) main stem or trunk and many branches.

Treeline. The more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. Such line shall be determined during all seasons as if under full foliage.

~~*Truck and motor freight terminals.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards.*]

(Code 1956, §§ 60.386, 60.387; Ord. No. 16876, 1-28-82; Ord. No. 17039, 7-7-83; Ord. No. 17845, § 9, 6-27-91; Ord. No. 17889, § 9, 11-21-91; C.F. 92-1479, § 2, 12-15-92; C.F. No. 00-130, § 3, 3-1-00)

Sec. 60.222~~1~~. U.

Use. The principal purpose for which land or a building is being occupied.

(Code 1956, § 60.390)

Sec. 60.223~~2~~. V.

Variance. (See: "zoning special condition uses and variances.")

Vestibule. An enclosed entrance intended for the conservation of energy and attached to an entry way of a principal structure.

~~*Veterinary clinic.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards.*]

(Code 1956, § 60.397; C.F. No. 93-1718, § 12, 12-14-93)

Sec. 60.224~~3~~. W.

Wetlands. Low-lying areas which may be covered with shallow water. They are frequently associated with a highwater table. Swamps, bogs, marshes, potholes, wet meadows and sloughs are wetlands. They may occur adjacent to or within natural drainageways or as freestanding low areas. Wetland shall consist of Types 1--8 as defined in U.S.D.I. Fish and Wildlife Circular 39.

~~*Wholesale establishment.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards.*]

(Ord. No. 16876, 1-28-82; C.F. No. 92-1718, § 13, 12-14-93)

Sec. 60.225~~4~~. X.

Sec. 60.226~~5~~. Y.

Yard waste. A collection of lawn clippings, leaves, weeds, garden wastes and prunings.

~~*Yard waste site, commercial.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards.*]

~~*Yard waste site, municipal.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards.*]

Yards. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this code, and as defined herein:

(1) Front yard: An open space extending the full width of the front lot line, the depth of which is the minimum horizontal distance between the front lot line and the nearest above-grade point of the main building. For a corner lot which is not a reversed frontage corner lot, the front yard shall adjoin a front yard in an adjoining lot.

(2) Rear yard: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest above-grade point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

(3) Side yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest above-grade point of the main building.

(Code 1956, § 60.391; Ord. No. 17827, § 2, 5-9-91)

Sec. 60.227~~6~~. Z.

Zoning committee. An advisory committee to the planning commission, established under section 107.03 of the Saint Paul Administrative Code.

Zoning ~~special~~ conditional uses and variances:

(1) ~~Special~~ Conditional uses: A ~~special~~ conditional use is a use permitted only after review and approval of an application by the planning commission, or the planning administrator where delegated to do so pursuant to section 61~~4~~.300.

(2) Variance: A modification of the literal provisions of the zoning code granted when strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. There are two (2) categories of variances:

a. Minor variance. A modification of a provision regulating a one-family detached dwelling and pertaining specifically to construction of a fence, a deck, a swimming pool, an accessory building, or an addition to the main building when the addition is not designed to convert the building for use by more than one (1) family.

b. Major variance. A modification of a provision regulating any development not specifically included in the definition of minor variance. Major variance includes any modification allowing the construction or moving of a one-family detached dwelling or allowing the addition of a second dwelling unit.

(3) The "~~special~~ conditional use" differs from the "variance" in several respects. A ~~special~~ conditional use does not require hardship in order to be allowable. ~~The special~~ Conditional uses that are found in this code ~~appear as "special~~ require approval~~"~~ by the planning commission. These land uses could not be conveniently allocated to one (1) zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one (1) or more of the following:

a. They require large areas;

b. They are infrequent;

c. They sometimes create an unusual amount of traffic;

d. They are sometimes obnoxious or hazardous;

e. They are required for public safety and convenience.

(Code 1956, § 60.392; Ord. No. 17030, 6-7-83)

ARTICLE III. 60.300. ZONING DISTRICTS ~~USES~~ AND MAPS GENERALLY ~~REGULATIONS~~*

***Editor's note--**The numbers in the various division and subdivision titles of this article are derived from the numbers given to the several sections of this part of the zoning code by the city and have been retained herein at the discretion of the editor for ease of reference by the user.

~~Division 1. General Provisions~~

Sec. 60.301~~0~~. Zoning districts established.

For the purposes of this code, the City of Saint Paul is hereby divided into the following zoning districts:

(a) RESIDENTIAL DISTRICTS~~:~~

R~~-1~~L One-Family Large Lot Residential District~~:~~

R-1 One-Family Residential District~~:~~

R-2 One-Family Residential District~~:~~

R-3 One-Family Residential District~~:~~

R-4 One-Family Residential District~~:~~

RT-1 Two-Family Residential District~~:~~

RT-2 Townhouse Residential District~~:~~

RM-1 Low-Density, Low-Rise Multiple-Family Residential District~~:~~

RM-2 Medium-Density, Low-Rise Multiple-Family Residential District~~:~~

RM-3 High-Density, High-Rise Multiple-Family Residential District~~:~~

(b) TRADITIONAL NEIGHBORHOOD DISTRICTS

TN1 Traditional Neighborhood District

TN2 Traditional Neighborhood District

TN3 Traditional Neighborhood District

(c) BUSINESS DISTRICTS~~:~~

OS~~-1~~ Office-Service District~~:~~

B-1 Local Business District~~:~~

BC Community Business (Converted) District

B-2 Community Business District~~:~~

B-3 General Business District~~:~~

B-4 Central Business District~~:~~

B-5 Central Business-Service District~~:~~

~~B-2C Community Business (Converted) District.~~

(d) INDUSTRIAL DISTRICTS~~:~~

IR River Corridor Industrial District

I-1 Light Industrial District~~:~~

I-2 General Industrial District~~:~~

I-3 Restricted Industrial District~~:~~

(e) CIVIC AND OPEN SPACE DISTRICTS

CO Civic and Open Space District

CV Conservancy District

(f) SPECIAL DISTRICTS~~:~~

VP~~-1~~ Vehicular Parking District~~:~~

PD Planned Development District~~:~~

(g) OVERLAY DISTRICTS

FP State Fair Parking Overlay District

TP Tree Preservation Overlay District

SD Shepard Davern Redevelopment Overlay District

WB White Bear Avenue Overlay District

HV Hillcrest Village Overlay District

(h) RIVER CORRIDOR OVERLAY DISTRICTS

RC-1 River Corridor Floodway Overlay District~~:~~

RC-2 River Corridor Flood Fringe Overlay District~~:~~

RC-3 River Corridor Urban Open Overlay District~~:~~

RC-4 River Corridor Urban Diversified Overlay District~~:~~

~~RCR-1 River Corridor Residential District.~~

~~RCI-1 River Corridor Industrial District.~~

~~T Tree Preservation Overlay District.~~

(Code 1956, § 60.400; Ord. No. 17116, 3-22-84; Ord. No. 17222, § 1, 3-14-85; Ord. No. 17511, § 6, 11-12-87; Ord. No. 17889, § 10, 11-21-91; C.F. No. 01-501, § 1, 7-5-01)

Sec. 60.302. Primary and overlay districts.

Primary zoning districts include the districts listed in section 60.301(a) through (f). All property in the city shall be located within a primary zoning district. Overlay districts include the districts listed in section 60.301(g) and (h)

Sec. 60.303~~1~~. Official zoning maps.

The City of Saint Paul is divided into various zoning districts shown on the maps accompanying this code, which maps are entitled "Zoning Map of Saint Paul." Such maps and any amendments, with all explanatory matter thereupon, are hereby made a part of this code and shall be as much a part of this code as if the matter and information set forth thereon were all fully described herein.

(Code 1956, § 60.401)

Sec. 60.304~~2~~. District boundaries interpreted.

Where uncertainty exists with respect to the boundaries of any of the districts established in this code as shown on the zoning map, the following rules shall be applied:

(a~~1~~) Where district boundaries are indicated as approximately following the centerline of streets or highways, street lines, highway right-of-way lines or railroad right-of-way lines, such centerlines, street lines or ~~highway~~ right-of-way lines shall be construed to be said boundaries.

(b~~2~~) Where district boundaries are ~~so~~ indicated ~~that they~~ as approximately following ~~the~~ lot lines, such lot lines shall be construed to be said boundaries.

(c~~3~~) Where district boundaries are ~~so~~ indicated ~~that they are~~ as approximately parallel to the centerlines of streets or the centerlines of right-of-way lines of highways or railroads. such district boundaries shall be construed as being

parallel thereto and at such distances therefrom as indicated on the zoning map. If no such distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

(d~~4~~) Where the boundary of a district follows a stream, river, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the city unless otherwise indicated.

(e~~5~~) Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be said district boundary line.

(f) Decisions on Floodway and Flood Fringe Overlay District boundaries shall be based on the regional flood profile and examination of the floodway delineation on the Flood Insurance Rate Map and other supporting technical data in the Flood Insurance Study as adopted in section 68.102.

(g~~6~~) Where unzoned property may exist, or where public right-of-way may be realigned, or where there is any uncertainty, contradiction or conflict as to the intended location of district boundaries shown thereon, interpretation concerning the exact location of the district boundary lines shall be determined by resolution of the city council upon recommendation by the planning commission. The commission may hold a public hearing.

(Code 1956, § 60.402; Ord. No. 16956, 9-9-82)

Sec. 60.305~~3~~. Zoning of vacated areas.

Whenever any street, alley or other public way within the city shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zon~~e~~ing district as the property to which it attaches.

(Code 1956, § 60.403)

~~**Sec. 60.304. District requirements.**~~

~~All buildings and uses in any district shall be subject to the requirements of the "general provisions" and "general exceptions" of this code (Chapters 62 and 63).~~

(Code 1956, § 60.404)

Sec. 60~~2.11~~306. Zoning lot, more than one zoning designation.

A use may be developed on a zoning lot that has two (2) or more zoning district designations so long as the use is permitted in each of the zoning districts. The minimum zoning requirements of each district shall apply to that part of the zoning lot in each zoning district.

(C.F. No. 95-203, § 7, 3-22-95)

Sec. 60.307~~5~~. More restrictive or less restrictive districts.

When the code refers to more restrictive districts or less restrictive districts, the districts in order from more to less restrictive are: CV, CO, R=L~~L~~, R=1, R=2, R=3, R=4, RT=1, RT=2, RM=1, RM=2, ~~RCR=1,~~ RM=3, TN1, OS=~~1~~, B=1, B=~~2~~C, TN2, B=2, TN3, B=3, B=4, B=5, ~~RC~~IR=~~1~~, I=1, I=2, I=3. The VP=~~1~~ district shall be as restrictive as the district for which the VP=~~1~~ district provides accessory parking.

(C.F. No. 96-307, § 2, 4-24-96; C.F. No. 01-501, § 1, 7-5-01)

Chapter 61~~4~~. Zoning Code--Administration and Enforcement ~~; Amendments; Miscellaneous Provisions~~

ARTICLE I. 61.100. GENERAL PROVISIONS

~~**Sec. 64.100. Enforcement.**~~ [Moved to §61.201, Zoning administrator.]

~~**Sec. 64.101. Duties of the zoning administrator.**~~ [Moved to §61.201, Zoning Administrator.]

~~**Sec. 64.102. Site Plan.**~~ [Moved to § 61.401.]

Sec. 61~~4~~.101~~3~~. Building permits.

No building permit shall be issued for the erection, alteration, moving or use of any building or structure or part thereof, or for the use of any land, which erection, alteration, moving or use is not in accordance with all provisions of this code. No renewal of an expired building permit shall be issued for a use or structure made nonconforming by amendments to this code.

(Code 1956, § 64.103; C.F. No. 93-1718, § 82, 12-14-93)

Sec. 61~~4~~.102~~4~~. Certificate~~s~~ of occupancy.

Certificates of occupancy as required by the Saint Paul Legislative Code shall also constitute certification of zoning compliance as required by this zoning code.

(Code 1956, § 64.104)

Sec. 61~~4~~.103~~5~~. Final inspection.

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the zoning administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

(Code 1956, § 64.105)

Sec. 61.104~~64.507~~. Permits issued, documents to be recorded.

Upon approval of a site plan, permit, variance, or other zoning approval by the zoning or planning administrator, planning commission, board of zoning appeals or city council, the applicant shall be issued a permit, or a letter of approval in the case of a site plan, upon which all conditions or limitations imposed shall be recorded. A certified copy of every ~~special~~ conditional use permit~~,~~ modification granted by the planning commission or variance granted shall be filed with the county recorder or registrar of titles but shall not constitute an encumbrance on real property. All permits, modifications and variances shall include the legal description of the property involved.

(Ord. No. 17039, 7-7-83)

~~[§60.300](i) *Permits issued/recorded.* Upon approval of a site plan, permit or other matter by the planning commission or the planning or zoning administrator, the applicant shall be issued a permit, or a letter of approval in the case of a site plan, upon which all conditions or limitations imposed shall be recorded.~~

Sec. 61~~4~~.105~~209~~. Period of decision ~~Permit, etc., time limit~~.

No decision ~~order~~ of the zoning or planning administrator, planning commission, board of zoning appeals or ~~the~~ city council approving a site plan, permit, variance, or other zoning approval ~~permitting the erection or alteration of a building or off-street parking facility~~ shall be valid for a period longer than ~~one~~ two (2) years, unless a building permit ~~for such erection or alteration~~ is obtained within such period and ~~such~~ the erection or alteration of a building is proceeding ~~with~~ under the terms of ~~such permit~~ the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the ~~board of~~ zoning or planning administrator ~~appeals or the city council~~ grants an extension not to exceed one (1) year. ~~In granting such extension, the board of zoning appeals may decide to hold a public hearing.~~

(Code 1956, § 64.208; Ord. No. 16907, 4-20-82)

~~[§64.300(h)] (1) *Void if not established within required period.* When a use authorized by a site plan approval, permit or other matter approved by the planning commission or city council has not been established within one (1) year after the date of granting thereof, then without further action by the planning commission, or the city council, the authorization for such approval shall be null and void. The commission or the planning administrator where delegated may grant an extension to establish the use for a period not to exceed one (1) year. Public hearings and notices are not required when extensions are granted.~~

Sec. 61.106. Similar use determination.

~~[§64.300](g) *Similar use determination.*~~ When a specific use is not listed in ~~a district~~ the zoning code, the zoning administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated herein. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the zoning administrator. If the zoning administrator finds that the use is not sufficiently similar to any other use specifically listed and regulated in the zoning code, any person proposing such use may file an application for the planning commission ~~shall~~ to determine if a use is or is not similar to other uses permitted in each district. The zoning administrator or planning commission shall make the following findings in determining one use is similar to another:

(a~~1~~) That the use is similar in character to one (1) or more of the principal uses permitted.

(b~~2~~) That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.

(c~~3~~) That the use is not first permitted in a less restrictive zoning district.

(d~~4~~) That the use is consistent with the comprehensive plan.

Sec. 61.107. Conditions of approval.

~~[§64.300](e) *Conditions.*~~ The planning commission, ~~or the~~ planning or zoning administrator ~~where delegated~~, board of zoning appeals, or city council may impose such reasonable conditions and limitations in granting ~~an~~ approval of a site plan, permit, variance or other zoning approval, and in making a similar use determination, as are determined to be necessary to fulfill the spirit and purpose of the zoning code, to ensure compliance, and to protect adjacent properties.

Sec. 61.108. Conditions violated, permit revocation.

~~[§64.300(h)](2) *Conditions violated; revocation.*~~ The zoning administrator shall notify the planning commission when a development covered by a permit or other matter is not in compliance with any of the conditions imposed upon such use permit. The commission may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in ~~paragraph~~ section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission to be unnecessary, unreasonable or impossible of compliance.

ARTICLE II. 61.200. DECISION MAKING BODIES AND OFFICIALS ~~ADMINISTRATION~~

Sec. 614.1201. ~~Duties of the~~ Zoning administrator.

(a) ~~Sec. 64.100. Enforcement.~~ The building official of the Office of License, Inspections and Environmental Protection shall enforce this code and is hereby designated the zoning administrator.

(Code 1956, § 64.100; Ord. No. 17524, § 35, 1-6-88; C.F. No. 95-557, § 6, 6-14-95; C.F. No. 96-77, § 6, 2-14-96)

(b~~a~~) The zoning administrator shall enforce the provisions of this zoning code and any amendment thereto and shall have the power to certify zoning compliance and to make inspections of buildings or premises necessary to enforce this code. It shall be unlawful for the zoning administrator to approve any site plans, as required in ~~section 64.102~~ Article IV, Site Plan Review, of this chapter, or issue any permits for any excavation or construction until such plans have been inspected in detail and found to conform with this code.

(c~~b~~) The zoning administrator shall determine whether lots, structures, or uses are legally nonconforming by consulting building records, city directories and other pertinent evidence for the purpose of carrying out the provisions of ~~section~~ Chapter 62~~.102~~.

(d~~c~~) The zoning administrator shall have no authority to change or to grant variances from the terms of this code in carrying out the duties of zoning administrator.

(e~~d~~) Upon proper application, and a finding of compliance with the terms of this code by the zoning administrator, the zoning administrator shall issue the permit applied for.

~~(e) Reserved.~~

(Code 1956, § 64.101; Ord. No. 16907, 4-20-82; C.F. No. 91-531, § 34, 5-6-93; C.F. No. 95-557, § 6, 6-14-95)

~~Division 2. Planning Commission and Planning Administrator~~

Sec. 614. 202 ~~300~~. Planning commission and planning administrator.

~~(a) *Application to planning commission.*~~ [Moved to §61.300, General Application Procedures.]

(a~~b~~) *Planning commission review~~; delegation to administrator~~.* The planning commission shall review and approve or deny site plans, conditional use permits, nonconforming use permits, similar use determinations, and ~~or~~ other matters provided for in this code. ~~The planning commission shall have the authority to impose reasonable conditions and limitations on site plans and permits, to grant variances from zoning regulations related to site plans and permits~~ [Moved to subparagraph (b) below.] ~~; and to modify or revoke permits. The planning commission may, by rule, delegate to the planning or zoning administrator its power to review and approve or deny site plans, permits (except sign variances or river corridor modifications), or other matters; provided, however, that the planning commission shall not delegate its power to modify, revoke, or grant a variance related to a permit or site plan. The applicant shall present the application, a site plan meeting requirements of section 64.102, and other information as required to substantiate his or her case.~~

~~(c) *Review procedures; hearing and notices required.*~~ [Moved to §61.300, General Application and Review Procedures.]

~~(d) *Conditional use permit; general standards.*~~ [Moved to §61.500, Conditional Use Permits.]

~~(e) *Conditions.*~~ [Moved to §61.107, Conditions of approval.]

~~(f) *Modify special conditions; grant variances.*~~

~~(1) *Modify special conditions.*~~ [Moved to §61.500, Conditional Use Permits.]

(b) ~~(2)~~ *Grant variances.* The planning commission may act as the board of zoning appeals and grant variances from the regulations of the code related to permits, similar use determination, rezoning, or site plan approval when considered by the planning commission at the same public hearing. The commission shall grant the variances in accordance with section 614.601~~203(b), (c), and (d)~~. ~~Applicants shall be charged only the fee for the special condition use permit.~~

(c) *Delegation to administrator.* The planning commission may, by rule, delegate to the planning or zoning administrator its power to review and approve or deny site plans, permits or other matters, except that the planning commission shall not delegate its power to grant variances and modify special conditions.

~~(g) *Similar use determination.*~~ [Moved to §61.106.]

~~(h) *Void if not established; revocation - conditional use permits, nonconforming use permits, change in nonconforming use permits and sign variances:*~~

~~(1) *Void if not established within required period.*~~ [Moved to §61.105, Period of decision.]

~~(2) *Conditions violated; revocation.*~~ [Moved to §61.108, Conditions violated, revocation.]

~~Division 1. 64.200. Board of Zoning Appeals~~

Sec. 61.203. Board of zoning appeals.

~~Sec. 64.201. Creation and membership.~~

(a) *Creation and membership.* There is hereby established a board of zoning appeals, which shall perform its duties and exercise its powers as provided by law in such a way that the objectives of this zoning code shall be observed, public safety secured, and substantial justice done. The board shall consist of seven (7) regular members and two

(2) alternate members appointed by the mayor with the consent of the council. Of the regular members, one member so appointed shall be a member of the planning commission with appointment coinciding with planning commission term. The appointments of the remaining six (6) of the members shall be for the following period: two (2) members for one year, two (2) members for two (2) years, two (2) members for three (3) years. Following the original appointments, each member shall be appointed to hold office for the full three-year term. The regular members of the board of zoning appeals shall annually elect its own chairman, vice-chairman and secretary. Alternate members shall serve a term of three (3) years and may vote on matters before the board only in the absence of a regular member(s). The compensation of the appointed members of the board of zoning appeals shall be fixed by the council by resolution.

~~(b)~~ All members of the board of zoning appeals shall be qualified electors of the City of Saint Paul and no member shall be an official or employee of the City of Saint Paul.

(Code 1956, § 64.201; Ord. No. 17927, § 1, 5-28-92)

~~**Sec. 64.202. Meetings.**~~

(b) *Meetings.* All meetings of the board of zoning appeals shall be held at the call of the chairperson and at such times as such board may determine. All meetings conducted by the board shall be subject to all applicable open meeting laws and ordinances. The secretary, or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official action. Four (4) members of the board shall constitute a quorum for the conduct of its business; provided, that no action may be taken unless at least four (4) members vote in favor of such action. The board shall have the power to administer oaths and, upon order of the district court, to issue subpoenas, require the attendance of witnesses, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(Code 1956, § 64.202; C.F. No. 95-557, § 7, 6-14-95)

~~**Sec. 64.203. Variances.**~~ [Moved to §61.601, Variances.]

~~**Sec. 64.204. Administrative appeals.**~~ [Moved to §61.701, Administrative appeals.]

~~**Sec. 64.205 Decision by the board of zoning appeals.**~~

(c) *Decisions by the board of zoning appeals.*

(1~~a~~) The board of zoning appeals shall conduct a hearing on ~~the~~ an appeal or variance application ~~within thirty (30) days after the appeal or application has been filed with the zoning administrator, and shall give due notice thereof to the parties as defined in section 64.208,~~ and shall render a decision on the appeal or application without unreasonable delay. Decisions of the board of zoning appeals shall be final subject to later appeal to the city council.

(2~~b~~) Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

(3~~c~~) All of the papers constituting the record upon which the application or the decision appealed from was taken, including, but not limited to, the action of the board of zoning appeals and the findings of fact, shall be retained in the permanent files of the Office of License, Inspection and Environmental Protection.

(4~~d~~) After reaching a decision in accordance with this section, the board of zoning appeals shall prepare a written report, including, but not limited to, findings of fact and the action of the board, which report will be filed with the Office of License, Inspection and Environmental Protection without undue delay.

(5~~e~~) A copy of administrative appeals concerning the River Corridor Districts shall be submitted to the commissioner of natural resources sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the board's hearing. A copy of all decisions granting administrative appeals shall be forwarded to the commissioner of natural resources within ten (10) days of such action.

~~(f) Building permits shall not be issued after an administrative review has been filed. If permits have been issued before an administrative review has been filed, then the permits are suspended and construction shall cease until the board of zoning appeals has made a determination of the administrative appeal.~~ [Moved to §61.703.]

(Ord. No. 17038, 7-5-83; C.F. No. 91-531, § 33, 5-6-93; C.F. No. 93-1718, § 85, 12-14-93; C.F. No. 96-77, § 7, 2-14-96)

~~**Note--**See the editor's note following § 64.203.~~

~~**Sec. 64.206. Appeals to city council.**~~ [Moved to §61.702, Appeals to city council.]

~~**Sec. 64.207. Orders.**~~ [Moved to §61.703, Orders.]

~~**Sec. 64.208. Notice.**~~ [Moved to §61.300, General Application and Review Procedures.]

~~**Sec. 64.209. Permit, etc., time limit.**~~ [Moved to §61.105, Period of decision.]

ARTICLE III. 61.300. GENERAL APPLICATION AND REVIEW PROCEDURES

Sec. 61.301. Application.

(a) ~~[64.300(a)]~~ *Application to planning commission.* Any person having an ownership or leasehold interest in the subject land and/or building (contingent included) is eligible to file an application with the planning commission for~~:~~ site plan approval, conditional use permit, nonconforming use permit, determination of similar use, and other matters provided for in this code. Such application shall be filed with a site plan meeting the requirements of Article IV, Site Plan Review, of this chapter, and other information as required to support the application. ~~(1) Site plan approval; (2) A permit for a special condition use, determination of similar use, nonconforming use, sign variance, river corridor modification; or (3) Other matters provided for in this zoning code. All applications shall be filed on appropriate forms and with requisite fees.~~

(b) *Application for variance.* An application for variance may be filed by any person having an ownership or leasehold interest in the subject land and/or building (contingent included). Such application shall be filed with the zoning administrator, or with the planning commission as provided in section 61.202(b), along with a site plan meeting the requirements of Article IV, Site Plan Review, of this chapter, and other information as required to support the application.

(c) *Appeals.* Appeals to the board of zoning appeals or of board of zoning appeals decisions shall be filed with the zoning administrator. Appeals to the planning commission or of planning commission decisions shall be filed with the planning administrator.

(d) *Rezoning.* Applications for rezoning by the owners of sixty-seven (67) percent of the area of the property to be rezoned shall be filed with the planning administrator along with supporting documents required by section 61.801 and/or by state statutes.

Sec. 61.302. Application forms and fees.

(a) *Application forms and fee.* ~~[§64.203](c)~~ All applications shall be filed on appropriate forms. A fee to be established by resolution of the city council shall be paid ~~to the zoning administrator~~ by the applicant when a zoning application ~~the request for variance~~ is filed ~~with the board of zoning appeals~~. Such resolution may provide for a waiver or refund of such fee under specific circumstances.

(b) ~~[64.300](1)~~ *Fee ~~schedule~~ for conditional use permit subject to annual review.* An annual fee to be established by resolution of the city council shall be paid to the zoning administrator ~~section of the planning division~~ by all holders of ~~special~~ conditional use permits which are subject to annual review. Such resolution may provide for waiver or refund of such fee under specific circumstances. Fees shall be paid by the permit holder at the time notice of the review is made to the permit holder. ~~Such resolution may provide for waiver or refund of such fee under specific circumstances.~~

Sec. 61.303. Review procedures, hearing and notices required.

~~[64.300](c) *Review procedures; hearing and notices required.*~~ The planning commission~~, or the planning or zoning administrator where delegated, shall investigate the circumstances of each such case. W~~ (when authority has not been delegated to the planning or zoning administrator), the ~~planning commission~~ board of zoning appeals, and the city council upon appeal shall make no decision on a specific zoning application until after a public hearing has been conducted by the planning commission or ~~the~~ zoning committee of the planning commission, board of zoning appeals, or city council. ~~The planning commission or zoning committee shall send n~~ Notice of the time and place of any hearing shall be sent to the following: ~~all parties who may, in its opinion, be affected by it's decision, which shall in all cases include all owners of record of property within three hundred fifty (350) feet of the premises in question. Such notices shall be delivered personally or by mail addressed to the respective owners at the address given in the most current Ramsey County property taxation records. **Sec. 64.208. Notice.** The board of zoning appeals shall make no decisions, nor shall the city council upon appeal make any decision, except in a specific case and after a public hearing conducted by the board and city council. They shall, by general rule or in a specific case, determine the interested parties who, in the opinion of each, may be affected by any matter brought before it, which shall in all~~ for minor variance cases, ~~include~~ all owners of record of property within one hundred (100) feet of the premises in question;~~, and which shall in~~ for all ~~major variance and appeals~~ other cases, ~~include~~ all owners of record of property within three hundred fifty (350) feet of the premises in question. Such notices shall be delivered personally or by mail addressed to the respective owners at the address given in the most current Ramsey County property taxation records.

(Code 1956, § 64.207; Ord. No. 17030, 6-7-83)

ARTICLE IV. 61.400. SITE PLAN REVIEW

Sec. 61~~4~~.401~~102~~. Site plan.

All applications for building permits for all new buildings or building expansions shall be accompanied by a site plan, drawn to scale and specifications, showing the following:

(1) The actual shape, location and dimensions of the zoning lot.

(2) The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the zoning lot.

(3) The existing and intended use of the zoning lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

(4) Such other information concerning the zoning lot or adjoining lots as may be determined by the zoning administrator as essential for determining whether the provisions of this code are being observed.

(Code 1956, § 64.102)

Sec. 61~~2~~.402~~108~~. Site plan review (all districts).

(a) *Plan to be submitted.* A site plan shall be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of gross floor area for any development except one- and two-family dwellings, but including the following:

(1) Any development of one- and two-family residences which together exceed two (2) acres (87,120 square feet) in area.

(2) In the "TP" Tree Preservation District, any development of one- and two-family residences over one (1) acre (43,560 square feet) in area.

(3) All residentially related uses in one-family districts, such as, but not limited to, churches, schools and public facilities.

(4) Any development in a TN district.

(5~~4~~) Any industrial use in an IR, I-1, I-2, or I-3 ~~or RCI-1 D~~district abutting a residential district.

(6~~5~~) Outdoor storage in industrial districts.

(7~~6~~) Any use which abuts to a major thoroughfare.

(8~~7~~) Any development on a slope of twelve (12) percent or greater.

(9~~8~~) Any development in the River Corridor Critical Area or in the Floodplain District except one- and two-family dwellings which do not affect slopes of twelve (12) percent or greater.

(10~~9~~) All off-street parking facilities except as noted in section 63~~2~~.202~~103(b)~~.

(11~~0~~) Any other use or development for which ~~the submission of a~~ site plan review is required by any provision of this code.

(12~~1~~) Earth-sheltered structures.

(13~~2~~) Detached, freestanding facilities constructed on parking facilities, including, but not ~~restricted~~ limited to, kiosks, fotomats, banks and similar uses.

(14~~3~~) Any filling, excavation or tree removal that disturbs an area greater than ten thousand (10,000) square feet except the construction, installation or maintenance of public roads and public and private utilities.

(15~~4~~) Cellular telephone antennas that require a new equipment building.

(b) *Site plan application:*

(1) Applications for site plan approval shall be made to the planning commission in such form as the commission may prescribe in its rules.

(2) Said rules may provide for a delegation of authority to the zoning administrator of the City of Saint Paul of all powers and duties granted to the planning commission under this section, and such rules will be filed with the office of the city clerk.

(3) Application for site plan approval shall include nine (9) sets of plans with sufficient detail to demonstrate that the plan complies with the provisions of this code.

(4) For parking facilities, the city traffic engineer or zoning administrator may require submission of a traffic impact analysis as part of the site plan application. Such an analysis shall include, but not be limited to, the following elements: trip generation, directional distribution, traffic assignment and capacity analysis.

(5) Alley access; notice. Where a site plan application review has been delegated to the zoning administrator and notification to adjacent property owners is required in section 63~~2~~.310~~4~~(f~~9~~), a notice shall be sent at least ten (10) days prior to a site plan review meeting by city staff to the applicant and owners of record of property located within three hundred fifty (350) feet of the proposed alley access. Notice shall be delivered either personally or by mail at the address of the owner contained in the records of the Ramsey County Department of Property Taxation.

(c) *Site plan review and approval.* In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:

(1) The city's adopted comprehensive plan and development or project plans for sub-areas of the city.

(2) Applicable ordinances of the City of Saint Paul.

(3) Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.

(4) Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.

(5) The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.

(6) Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.

(7) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.

(8) The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.

(9) Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.

(10) Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.

(11) Provision for erosion and sediment control as specified in the "Ramsey Erosion and Sediment ~~and~~ Control Handbook."

(d) *Compliance and time requirements.* The planning commission may make such requirements with respect to the above matters as to assure compliance with them. When changes are required, the revised site plan shall be submitted within six (6) months from the date the applicant was notified of required changes. The zoning administrator may grant extensions. The property must be brought into compliance with the approved site plan within one year of the date of approval or as otherwise specified by the zoning administrator.

~~(e) *Review of earth-sheltered structures.*~~ [Moved to new §63.112.]

~~(f) *Review of outdoor storage near residential districts and uses.*~~ [Moved to new §63.113.]

~~(g) *Review of residential development on steep slopes.*~~ [Moved to §63.111.]

(e~~h~~) *Security agreement.* Before the site plan is approved, the applicant shall file a performance bond equal to the estimated cost, as determined by the zoning administrator, to install required landscaping, paving, screening, erosion and sediment control or items required by special condition. Such performance bond shall be secured and filed with the zoning administrator within three (3) months from the date the applicant was notified of the intent to approve the site plan. The zoning administrator may grant an extension.

Upon completion of the bonded work items, the owner shall apply to the zoning administrator for final inspection. If the zoning administrator finds that all installations meet the requirements of approved plans and specifications, the security agreement shall be released. However, a security agreement for landscaping shall be effective and held for one year after completion of the work in order to ensure that such landscaping will survive. If improvements are not completed as proposed within the established time limit, the city may proceed to require performance by the surety, or complete such installation by contract or force account and seek reimbursement of its costs from the security agreement.

The zoning administrator shall have the right to accept a cash escrow or irrevocable letter of credit in lieu of a bond in an amount and under such circumstances as the zoning administrator shall determine appropriate.

If seasonal weather conditions or phasing of construction present practical difficulties in the installation or completion of landscaping, paving, screening or any required item, the completion may be delayed for not more than six (6) months by the zoning administrator. The extension of time shall be granted in writing.

(f~~i~~) *Certificate of occupancy.* Certificate of occupancy shall not be issued until all items required for site plan approval are completed or an agreement has been made under paragraph (e~~g~~) above.

When a site plan is required by this code, a certificate of occupancy shall be renewed only if the use is in conformance with that site plan and all conditions of this code.

(Code 1956, § 62.108; Ord. No. 16799, 5-28-81; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17511, § 7, 11-12-87; Ord. No. 17524, §§ 29, 30, 1-6-88; Ord. No. 17646, § 8, 4-6-89; Ord. No. 17885, § 1, 11-21-91; C.F. No. 92-1479, §§ 21, 22, 12-15-92; C.F. No. 93-1718, §§ 76--80, 12-14-93; C.F. No. 93-777, § 3, 12-28-93; C.F. No. 96-77, § 5, 2-14-96; C.F. No. 97-565, § 20, 6-11-97)

ARTICLE V. 61.500. CONDITIONAL USE PERMITS

Sec. 61.501. Conditional use permit, general standards.

~~[64.300](d) *Conditional use permit; general standards.*~~ Before the planning commission may grant approval of a ~~principal use subject to special~~ conditional~~s~~ use, the commission shall find that:

(a~~1~~) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.

(b~~2~~) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

(c~~3~~) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

(d~~4~~) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(e~~5~~) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

~~[64.300](e) *Conditions.*~~

Sec. 61.502. Modify special conditions.

~~[64.300](f) *Modify special conditions; grant variances.*~~

~~(1) *Modify special conditions.*~~ The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.

Sec. 61.503. Conditional use permit, change requiring new permit.

~~[64.300](m) *Special condition use permit; change requiring new permit.*~~ A change to a ~~special~~ conditional use requires a new permit when one of the following conditions occurs:

(a~~1~~) A ~~special~~ conditional use changes from one ~~special~~ conditional use to another ~~special~~ conditional use.

(b~~2~~) The floor area of a ~~special~~ conditional use expands by fifty (50) percent or more. For a ~~special~~ conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a ~~special~~ conditional use established after October 25, 1975, expansion is the sum of the floor area of all the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a principal use.

(c~~3~~) The building containing a ~~special~~ conditional use is torn down and a new building is constructed, even if the new building contains the same or less floor area.

(d~~4~~) The principal use of a ~~special~~ conditional use expands onto an abutting lot, such as a used car lot or a fast food restaurant building addition expanding onto an abutting lot.

(e~~5~~) The number of residents in a community residential facility increases, or the number of rooming units in a rooming or boardinghouse increases.

(f~~6~~) A college, university or seminary adds a school building or an off-street parking facility for its exclusive use outside of its approved campus boundary.

Sec. 61.504. Change to conditional use, no new permit required.

~~[64.300](n) *Change of special condition use permit/no new permit required.*~~ A change to a ~~special~~ conditional use does not require a new permit but does require approval of a site plan when one of the following conditions occurs:

(a~~1~~) The floor area of a ~~special~~ conditional use expands by less than fifty (50) percent. For a ~~special~~ conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a ~~special~~ conditional use established after October 25, 1975, expansion is the sum of the floor area of all the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a principal use.

(b~~2~~) An accessory use of a ~~special~~ conditional use expands onto an abutting lot, such as a bowling alley's off-street parking lot expanding onto an abutting lot.

(c~~3~~) Off-street parking spaces are added in a parking lot, garage or ramp on the site of a ~~special~~ conditional use.

(d~~4~~) An accessory structure is added to the site, such as a building to store salvaged motor vehicle parts being constructed on the site of a motor vehicle salvage operation.

(e~~5~~) A college, university or seminary adds a school building or an off-street parking facility within its approved campus boundary.

(Code 1956, § 64.209; Ord. No. 16956, 9-9-82; Ord. No. 17030, 6-7-83; Ord. No. 17038, 7-5-83; Ord. No. 17039, 7-7-83; Ord. No. 17524, §§ 32, 33, 1-6-88; Ord. No. 17670, § 3, 7-20-89; C.F. No. 93-870, § 1, 11-23-93; C.F. No. 93-1718, § 86, 12-14-93; C.F. No. 95-352, § 2, 5-3-95; C.F. No. 96-77, § 8, 2-14-96; C.F. No. 96-1029, § 2, 9-25-96)

ARTICLE VI. 61.600. VARIANCES

Sec. 6~~1~~4.601~~203~~. Variances.

~~(a) An application for variance may be filed by any person having an ownership or leasehold interest in land and/or building (contingent included), of the affected property at any time. Such application shall be filed with a site plan meeting requirements of section 64.102.~~ [Moved to §61.300, General Application and Review Procedures.]

~~(b)~~ The board of zoning appeals shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

(a~~1~~) The property in question cannot be put to a reasonable use under the strict provisions of the code;

(b~~2~~) The plight of the landowner is due to circumstances unique to ~~his~~ the property, and these circumstances were not created by the landowner;

(c~~3~~) The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul;

(d~~4~~) The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area;

(e~~5~~) The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property; and

(f~~6~~) The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.

In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance. ~~(c)~~ Hardship as described in the finding set out in subsection (a~~b~~)~~(1)~~ above shall include the need for access to direct sunlight for solar energy systems.

~~(d) In granting a variance, the board may attach thereto such conditions as it deems reasonable to protect adjacent properties, to ensure a compliance or to further the purposes of the code.~~ [Moved to §61.107, Conditions of approval.]

~~In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.~~

~~(e) A fee to be established by resolution of the city council shall be paid to the zoning administrator by the applicant when the request for variance is filed with the board of zoning appeals. Such resolution may provide for waiver or refund of such a fee under specific circumstances.~~ [Moved to §61.302(a), Application fee.]

(Ord. No. 17038, 7-5-83; C.F. No. 93-1718, §§ 83, 84, 12-14-93)

Editor's note--Sections 64.203--64.206, derived from §§ 64.203, 64.203.a, 64.204 of the city's 1956 Code, as amended, were amended by the same and substituting new sections as follows, pursuant to Ord. No. 17038, adopted July 5, 1983.

ARTICLE VII. 61.700. APPEALS

Sec. 61~~4~~.701~~204~~. Administrative appeals.

(a) The board of zoning appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning administrator in carrying out or enforcing any provision of the code.

(b) The board of zoning appeals shall have the power to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the state building code.

(c) ~~[64.300](j) *Planning administrator's decision/appeal to commission.*~~ The grant or denial of approval by the planning or zoning administrator of site plans, permits or other matters that the planning commission has, by rule, delegated to the planning or zoning administrator is subject to appeal to the planning commission ~~by any person, firm or corporation, or by any office, department, board or bureau affected by a decision of the planning or zoning administrator within thirty (30) days after the decision appealed from shall have been served either in person or by mail upon the owner of the property which is the subject matter of the decision~~. ~~The planning commission shall conduct a hearing on the appeal within thirty (30) days of the receipt of the appeal by the planning commission.~~

(d~~e~~) An appeal may be taken by any person, firm or corporation, or by any office~~r~~, department, board or bureau affected by a decision of the planning or zoning administrator or building official within thirty (30) days after the decision appealed from shall have been served either in person or by mail upon the owner of the property which is the subject matter of the decision ~~rendered by the zoning administrator or building official. Appeals shall be filed with the zoning administrator~~, and shall specify~~ing~~ the grounds ~~there~~of the appeal. The planning or zoning administrator shall forthwith transmit to the board or commission all of the papers constituting the record upon which the action appealed from was taken. An administrative appeal shall stay all proceedings, including criminal proceedings, in furtherance of the action appealed from unless the zoning administrator or building official certifies to the board or commission, after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction.

~~(d) A fee to be established by resolution of the council shall be paid by the appellant at the time the notice of appeal is filed. The resolution may provide for waiver or refund of such fee under specific circumstances.~~

(Ord. No. 17038, § 7-5-83; C.F. No. 95-557, § 8, 6-14-95)

Note--See the editor's note following § 61~~4~~.601~~203~~.

Sec. 61~~4~~.702~~06~~. Appeals to city council.

(a) The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission. An appeal may be taken to the city council by any person, firm or corporation or by any officer, department, board or bureau affected by a decision of the board or planning commission. Such appeal shall be taken within fifteen (15) days after the decision appealed from shall have been duly adopted by the board or commission and shall have been served either in person or by mail upon the owner of the property which is the subject matter of the decision. Appeals of decisions by the board shall be filed with the Office of License, Inspection, and Environmental Protection; ~~and~~ appeals of decisions by the planning commission shall be filed with the zoning section of the planning division. Appeals shall specify the grounds thereof and be accompanied by payment of the required fee.

~~[6.300](k) *Approval/denial of permit/appeal to city council.* Decisions on site plan approvals, permits or other matters by the planning commission are subject to appeal to the city council in accordance with section 64.206.~~

~~(b) Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the city council has made a final determination of the appeal.~~ [Moved to §61.703 below.]

(b~~c~~) The city council shall conduct a hearing on the appeal ~~within thirty (30) days after the receipt by the city council of the appeal from the action of the planning commission or the board of zoning appeals. As required under section 64.208~~, ~~the city council~~ shall give due notice of the hearing to all interested parties as required under section 61.303, and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

~~(d) A fee to be established by resolution of the city council shall be paid to the zoning section of the planning division or the Office of License, Inspection and Environmental Protection by the appellant at the time the notice of appeal is filed. Such resolution may provide for waiver or refund of such fee under specific circumstances.~~

(Ord. No. 17038, 7-5-83; Ord. No. 17607, §§ 1, 2, 10-27-88; C.F. No. 96-77, § 7, 2-14-96)

Note--See the editor's note following § 64.203.

Sec. 61.703. Permits suspended upon appeal.

Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease pending a final decision on the appeal.

Sec. 61~~4~~704~~207~~. Orders.

In exercising the above powers, the city council, planning commission, or ~~the~~ board of zoning appeals may reverse or affirm, wholly or partly, or may modify the orders, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made. To that end, the board of zoning appeals shall have all the powers of the zoning administrator and the building official, and the city council shall have all the powers of either the board of zoning appeals or the planning commission. All final decisions, orders, requirements or determinations by the board of zoning appeals, planning commission, and/or city council shall be in the form of a written resolution. The city council shall serve a copy of the resolution upon the appellant and/or the owner of the affected property, zoning administrator, planning commission and board of zoning appeals by mail or personal service. The board of zoning appeals or planning commission shall serve a copy of the resolution upon the appellant and/or owner of the affected property, the zoning administrator and the planning administrator ~~commission~~. Decisions of the city council on all matters within its jurisdiction shall be final subject only to judicial review by a court of competent jurisdiction.

(Code 1956, § 64.206; Ord. No. 17038, 7-5-83; C.F. No. 95-557, § 9, 6-14-95)

ARTICLE VIII. 61.800. ZONING AMENDMENTS

Sec. 61~~4~~.801~~400~~. Changes and amendments.

(a) The council may, from time to time, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the provisions of Minnesota Statutes Section 462.357 and amendments thereto as may be made from time to time. The city council shall provide for an adequate review and reevaluation of this code at least every five (5) years from the time of adoption of this code. The planning commission may, from time to time, review district boundary lines to determine if, pursuant to state laws, such district boundary lines should be changed.

(b) Except as provided for in section 66~~0.73~~802, an amendment to the zoning code may be initiated by the council, the planning commission or by ~~petition~~ application of the owners of sixty-seven (67) percent of the area of the

property to be rezoned. ~~Said petition for rezoning shall be filed with the planning administrator together with a fee to be established by the council by resolution. Said petition shall be on a form established by the planning department of the City of Saint Paul.~~

(c) When a ~~P~~petition~~s~~ is required to be filed pursuant to this section or by state law to effectuate or consent to the rezoning of any particular piece of property, it shall not be considered as officially filed with the planning administrator until the lapse of seven (7) working days after a petition is received in the office of the planning administrator. During the seven-day waiting period, any signator of any petition may withdraw his name therefrom by written request, and such request shall be appended to the subject petition and made a part thereof. Each petition and applicable requests for withdrawal of a signator's name shall be considered in determining the sufficiency of the petition, and the jurisdiction of any city department and the council regarding any petition shall not be considered established until the petition has been found to be sufficient.

(Code 1956, § 64.210; Ord. No. 16956, 9-9-82; C.F. No. 93-1718, § 87, 12-14-93)

Sec. 614.802~~401~~. Amendment limitations.

A petition amending, supplementing or changing district boundaries, once denied by council, shall not be resubmitted for recommendation or action within one (1) year from date of denial.

(Code 1956, § 64.211)

Sec. 614.803~~402~~. Amendment's effect on pending uses and structures.

Uses that were permitted to be established and structures that were permitted to be constructed before amendments to this zoning code but are no longer permitted by the amendments may be established or constructed, provided that they meet the following conditions:

(a~~1~~) Uses and structures that need building permits to be established or constructed may be established or constructed, provided that before the effective date of the amendments:

(1)~~a.~~ The uses or structures have received all required zoning permits from the planning commission or the board of zoning appeals, or if the zoning permits are appealed, the city council; and

(2)~~b.~~ Valid building permit applications have been made or valid building permits have been issued for the establishment of the uses or for the construction of the structures.

If the construction needed to establish the uses or the construction of the structures has not begun within six (6) months of the issuance of the building permits, the uses or structures may not thereafter be established or constructed. For the purpose of this section demolition preparatory to construction shall be considered construction.

(b~~2~~) Uses not needing building permits must be established before the effective date of the amendments.

This section shall not apply to interim ordinances adopted in accordance with Minnesota Statutes, Chapter 462.355, Subdivision 4.

(C.F. No. 96-307, § 4, 4-24-96)

ARTICLE IX~~V~~. 61.900. ENFORCEMENT ~~MISCELLANEOUS PROVISIONS~~

~~**Sec. 64.500. Interpretation.**~~ [Moved to §60.108, a more logical location for this paragraph.]

~~**Sec. 64.501. Vested right.**~~ [Moved to §60.113, a more logical location for this paragraph.]

Sec. 614.901~~502~~. Violations.

Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor. In addition, the owner or lessee of any building, structure or premises or part thereof, where any condition in violation of this code shall exist or be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof shall be guilty of a misdemeanor.

(Code 1956, § 64.215)

Sec. 614.902~~503~~. Public nuisance.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of adoption of this code and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Code 1956, § 64.216)

Sec. 614.903~~504~~. Fines, imprisonment.

The owner of any building, structure or premises or part thereof, where any condition in violation of this code shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

(Code 1956, § 64.217)

Sec. 614.904~~505~~. Each day a separate offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(Code 1956, § 64.218)

Sec. 61~~4~~.905~~506~~. Rights and remedies are cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. (Code 1956, § 64.219)

~~**Sec. 64.507. Documents to be recorded.**~~ [Moved to §61.104, Permits issued, documents to be recorded.]

Chapter 62. Zoning Code - Nonconforming Lots, Uses and Structures

~~**Sec. 62.102. Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and land.**~~

Sec. 62.101. Intent.

~~(a) *Intent.*~~ There exist within the districts established by this code and subsequent amendments lots, structures, and uses of land and structures that were lawful before this code was passed or amended that would be prohibited, regulated or restricted under the terms of this code or future amendments. It is the intent of this code to permit legal nonconforming lots, structures or uses to continue until they are removed.

The code recognizes that in some circumstances allowing nonconforming uses to be changed to similar or less intense nonconforming uses, or allowing nonconforming uses to be reestablished in vacant buildings, may benefit the city and surrounding neighborhood. Some buildings have a long useful life and allowing their continued occupancy for nonconforming uses can be more desirable than requiring them to be vacant if they cannot be converted to conforming uses. Consequently, the code allows conversion of nonconforming uses to similar nonconforming uses and allows the planning commission to reestablish nonconforming uses in vacant buildings if regulated so as to be compatible with the surrounding neighborhood.

The code recognizes that enlargements of nonconforming uses which improve the appearance and functioning of the use can benefit the surrounding neighborhood. The code allows the enlargement of nonconforming uses when found to be compatible with surrounding neighborhoods.

Sec. 62.102. Legal nonconforming use.

~~(b) *Legal nonconforming use.*~~ For the purposes of this section, "use" means the principal purpose for which land or a building is being occupied. A use will be presumed legally nonconforming if it can be demonstrated by clear and convincing evidence that prior to October 25, 1975, the use was established, converted, or enlarged and occupied pursuant to building permits issued by the City of Saint Paul; or if it can be demonstrated by clear and convincing evidence that the particular use had been in existence continuously for twenty (20) years prior to December 13, 1976. The burden of proof shall be on the property owner. The planning commission may approve permits granting nonconforming use status to uses that do not meet these standards, as set forth in ~~clauses (i)(1) and (i)(2) of this~~ section 62.109(a) and (b).

Sec. 62.103. Nonconforming lots.

~~(c) *Nonconforming lots.*~~ In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board of zoning appeals.

If three (3) or more lots or combinations of lots and portions of lots with continuous street frontage in single ownership are of record on the effective date of this code or amendments thereto, and if all or part of the lots do not meet the requirements for lot width and area as established by this code, the lands involved shall be considered to be an undivided parcel for the purpose of this code, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this code.

Sec. 62.104. Nonconforming uses of land.

~~(d) *Nonconforming uses of land.*~~ Nonconforming uses of land are subject to the following provisions:

(a~~1~~) A nonconforming use may continue.

(b~~2~~) A nonconforming use shall not be enlarged to a greater height nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code.

(c~~3~~) A nonconforming use shall not be moved in whole or in part to any other portion of the lot.

(d~~4~~) If such nonconforming use of land ceases for any reason for a period of ninety (90) days or more, any subsequent use of such land shall conform to the regulations specified by this code for the district in which such land is located. This is not intended for those uses which remain on the land but whose activity may cease for a period longer than ninety (90) days, due to reasons associated with the customary operation of such use.

(e~~5~~) Any land on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulation for the district in which such land is located and the nonconforming use may not thereafter be resumed.

(f~~6~~) An existing off-street parking space for one- and two-family dwellings in a required front or side yard shall be considered a legal nonconforming use provided the parking space was established pursuant to a curb cut permit issued by the department of public works prior to October 15, 1975, and the parking space has been continuous since the permit was issued or it can be demonstrated by clear and convincing evidence that the parking space has been in existence and used continuously since October 25, 1975. The burden of proof shall be on the property owner.

Sec. 62.105. Nonconforming structures with conforming uses.

~~(c) *Nonconforming structures with conforming uses.*~~ Nonconforming structures with conforming uses are subject to the following provisions:

(a~~1~~) A nonconforming structure may continue.

(b~~2~~) A nonconforming structure may be enlarged or altered so long as such enlargement or alteration does not increase its nonconformity. Accessory buildings may be added so long as they conform in all respects to the requirements of section 63~~2~~.501~~06~~, accessory buildings.

(c~~3~~) When a nonconforming structure is destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this code. A nonconforming residential garage ~~accessory structure~~, however, may be rebuilt ~~on an existing foundation or slab~~ in a rear yard with the same nonconforming setback within one (1) year of its destruction, provided that it is within the maximum height and size limits for an accessory structure outlined in section 63~~2~~.501~~06~~(c~~3~~) and ~~section 62.106~~(d~~4~~).

(d~~4~~) When a nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Sec. 62.106. Nonconforming uses of structures, or structures and land in combination.

~~(f) *Nonconforming uses of structures, or structures and land in combination.*~~ Nonconforming uses of structures, or structures and land in combination, are subject to the following regulations:

(a~~1~~) A nonconforming use may continue.

(b~~2~~) A nonconforming use may be changed to a use permitted in the district in which it is located or to a new nonconforming use if the new nonconforming use is also listed in the same clause of the code as the nonconforming use. A nonconforming use may be changed to a use permitted in the district in which the nonconforming use is first allowed, or a principle use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, provided the planning commission approves a permit for the change as set forth in section 62.109(c) ~~clause (i)(3)~~.

(c~~3~~) When a nonconforming use changes to a use permitted in the district or in a more restrictive district, the nonconforming use shall not thereafter be resumed.

(d~~4~~) A nonconforming use may be extended throughout any parts of a structure that were manifestly arranged or designed for the use, but it shall not be extended to occupy any land or a larger area of land outside the structure.

(e~~5~~) A nonconforming use shall not be enlarged, unless the planning commission approves a permit for an enlargement as set forth in section 62.109(d) ~~clause (i)(4)~~.

(f~~6~~) A structure containing a nonconforming use shall not be moved to another location on its lot.

(g~~7~~) When a nonconforming use is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the building, or building and land in combination, shall thereafter be used in conformance with the regulations of the district in which it is located, unless the planning commission approves a permit to reestablish the nonconforming use as set forth in section 62.109(e) ~~clause (i)(5)~~.

(h~~8~~) When a building containing a nonconforming use is destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation, at the time of the destruction, it shall not be reconstructed except in conformity with the provisions of this code.

(i~~9~~) On a building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair of walls, roofs, fixtures, wiring, or plumbing, provided that the cubic content of the building as it existed at the time of adoption or amendment of this code shall not be increased.

(j~~10~~) Where nonconforming use status applies to a building and land in combination, removal or destruction of the building shall eliminate the nonconforming status of the land.

(k) ~~11~~)Accessory off-street parking lots or structures may be constructed on the site of a nonconforming use, so long as they comply with the requirements of sections 63~~2~~.300~~104~~ and 63~~2~~.501~~06~~ and the setbacks required in the district where the use is first permitted.

(l~~12~~) In any RM-3, OS-~~1~~, B-1, B-2, B-3, I-1, or VP-~~1~~ district, ~~existing~~ nonconforming residential uses may be enlarged, extended, reconstructed or altered provided no additional dwelling units are added on the lot. Any business

operated out of a residence must meet all home occupation standards. ~~The~~ Nonconforming residential uses must also meet the requirements (except for lot area per dwelling unit) of ~~the schedule of regulations,~~ section 66~~1~~.230~~101~~, residential district density and dimensional standards, for the district in which the use is first permitted and the requirements for off-street parking, section 63~~2~~.200~~103~~. Reconstruction of the uses must begin within one (1) year of the removal of the buildings.

(m) ~~13)~~ In ~~any~~ R~~-L~~L~~, R-1, R-2, R-3 and~~-R~~-4 districts, existing two-family residential uses may be enlarged, extended, reconstructed or altered. The two-family uses must meet the yard setbacks and the percentage of lot coverage of the schedule of regulations, section 61.101, as required in the zoning district in which located or in the RT-1 district, whichever is greater, and the requirements for off-street parking, section 63~~2~~.200~~103~~. Reconstruction of the uses must begin within one (1) year of the removal of the buildings.

(n) ~~14)~~ In any residential district, existing greenhouses may be enlarged, extended, reconstructed or altered. The greenhouses must meet the height, yard setbacks, and percentage of lot coverage of ~~the schedule of regulations,~~ section 66~~1~~.230~~101~~, residential district density and dimensional standards, for the district in which they are located and the requirements for off-street parking, section 63~~2~~.200~~103~~. Reconstruction of the uses must begin within one (1) year of the removal of the buildings.

(o) ~~15)~~ Existing auto body shops located in zones other than industrial zones shall be considered, for purposes of changes in nonconforming uses, as B~~-~~3 uses. Auto body shops that are legally nonconforming in B~~-~~3 zoning districts may expand even though auto body shops are not permitted uses in B~~-~~3 zoning districts. Auto service stations in B~~-~~2 zoning districts which remove their gas tanks and pumps will be regarded as legal nonconforming auto repair stations.

(p) ~~16)~~ In R~~-L~~L ~~and R-1 through~~ -RT-1 residential districts, a second one-family or two-family dwelling on a single lot is exempt from ~~clause~~ paragraph (h~~8~~) above and may be reconstructed provided that the number of total dwelling units on the lot is not increased and the building is not enlarged or extended unless it meets the setback and lot coverage requirements for principal structures of the district. Reconstruction of the building must begin within one (1) year of the removal of the building, unless the board of zoning appeals grants an extension for reconstruction.

Sec. 62.107. Strengthening unsafe structures.

~~(g) *Strengthening unsafe structures.*~~ Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

Sec. 62.108. Change of tenancy or ownership.

~~(h) *Change of tenancy or ownership.*~~ There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures, and premises and nonconforming structures with conforming uses provided there is no change in the nature or character of such nonconforming use or structure.

Sec. 62.109. Nonconforming use permits.

~~(i) *Nonconforming use permits.*~~ The planning commission may approve, modify and approve, or deny nonconforming use permits. To ensure the public welfare is served, the commission may attach conditions to the permits including, but not limited to, conditions concerning appearance, signs, off-street parking or loading, lighting, hours of operation, or performance characteristics, such as noise, vibration, glare, dust, or smoke.

The planning commission, in approving nonconforming use permits, may allow a nonconforming use for a specified period of time and then require its removal by attaching an expiration date to the permit if the commission makes the following findings: (1) termination of the nonconforming use or the continued vacancy of the building in which the nonconforming use was located would cause significant hardship; (2) permitting the nonconforming use for a period of time will facilitate the transition to a conforming use; and (3) permitting the nonconforming use for a period of time is consistent with the public health, safety, comfort, morals, and welfare. The period of time for which the permit is valid shall be determined in each case by the commission and shall be based on the extent of the hardship.

The planning commission shall hear and decide nonconforming use permits in accordance with the procedures and requirements of ~~section 64.300~~ Chapter 61, Administration and Enforcement. The planning commission may consider the following nonconforming use permits:

(a~~1~~) *Establishment of legal nonconforming use status.* The planning commission may grant legal nonconforming status to the use of structures ~~which~~ when such use fails to meet the standards of section 62.102~~(b)~~ if the commission makes the following findings:

(1)~~a.~~ The use occurs entirely within an existing structure;

~~b. The use is similar to other uses permitted within the district;~~

(2)~~c.~~ The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application.

(3)~~d.~~ The off-street parking is adequate to serve the use;
(4)~~e.~~ Hardship would result if the use were discontinued;
(5)~~f.~~ Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses;
(6)~~g.~~ The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
(7)~~h.~~ The use is consistent with the comprehensive plan; and
(8)~~i.~~ A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.

The application for the permit shall include the petition, evidence of a ten-year period of existence, evidence that conversion of the use and structure would result in hardship, a site plan meeting the requirements of section 61~~4~~.401~~02~~, floor plans, and other information as required to substantiate the permit.

(b~~2~~) *Nonconforming commercial and industrial parking use.* The planning commission may grant legal nonconforming status to allow the use of land without completely enclosed buildings as a parking lot to serve abutting property in ~~an~~ OS~~-1, B-1 through~~-B-5~~, B-2C, RCC-1,~~ Business and IR-I~~-1~~ Industrial ~~or RCI-1 d~~Districts if the commission makes the following findings:

(1)~~a.~~ The commercial or industrial parking lot has been paved, maintained and used for commercial or industrial parking for at least ten (10) consecutive years prior to the date of the application;
(2)~~b.~~ The parking lot occupies a legally subdivided parcel that is too small for development and has not been owned by a different adjoining property owner for at least ten (10) years prior to the date of the application;
(3)~~c.~~ The parking lot is to serve abutting commercially or industrially zoned property;
(4)~~d.~~ The parking lot will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
(5)~~e.~~ The parking lot is consistent with the comprehensive plan; and
(6)~~f.~~ A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the parking lot.

The application for the permit shall include the petition, evidence of a ten-year period of existence, a site plan meeting the requirements of section 61~~4~~.401~~02~~, and other information as required to substantiate the permit.

(c~~3~~) *Change of nonconforming use.* The planning commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, if the commission makes the following findings:

(1)~~a.~~ The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use;
(2)~~b.~~ The traffic generated by the proposed use is similar to that generated by the existing nonconforming use;
(3)~~c.~~ The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and
(4)~~d.~~ The use is consistent with the comprehensive plan.

The planning commission's findings may be a general rule or findings in a specific case.

(d~~4~~) *Enlargement of nonconforming use.* The planning commission may permit the enlargement of a nonconforming use if the commission makes the following findings:

(1)~~a.~~ The enlargement will not result in an increase in the number of dwelling units;
(2)~~b.~~ For enlargements of a structure, the enlargement will meet the yard, height and percentage of lot coverage requirements of the district;
(3)~~c.~~ The appearance of the enlargement will be compatible with the adjacent property and neighborhood;
(4)~~d.~~ Off-street parking is provided for the enlargement that meets the requirements of section 63~~2~~.200~~103~~ for new structures;
(5)~~e.~~ Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use; and
(6)~~f.~~ After the enlargement, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare;
(7)~~g.~~ The use is consistent with the comprehensive plan; and
(8)~~h.~~ A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the enlargement.

The application for a permit shall include the petition, a site plan meeting the requirements of section 61~~4~~.401~~02~~, floor plans, and other information as required to substantiate the permit.

(e~~5~~) *Reestablishment of nonconforming use.* When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the

planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:

(1)~~a.~~ The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose;

(2)~~b.~~ The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use;

(3)~~c.~~ The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;

(4)~~d.~~ The proposed use is consistent with the comprehensive plan; and

(5)~~e.~~ A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61~~4~~.401~~02~~, floor plans, and other information as required to substantiate the permit.

Sec. 62.110. Nonconforming adult bookstores.

~~(j) *Nonconforming adult bookstores.*~~ Any adult bookstore use which is lawful as of September 27, 1995, but which becomes an unlawful use under the terms of this ~~sub~~section ~~(j)~~ shall be deemed a nonconforming use and may not in any manner be enlarged, extended, altered or rebuilt except that such uses may be changed to a conforming use.

(a~~1~~) *Discontinue nonconforming uses.* Adult bookstores that are deemed nonconforming uses pursuant to the terms of this ~~sub~~section ~~(j)~~ will be permitted to continue for a period not to exceed three (3) years from September 20, 1995, unless sooner terminated or discontinued or changed to a conforming use.

(b~~2~~) *Reasonable extension may be granted by planning commission.* The owner of any property on which a nonconforming adult bookstore is located may apply to the planning commission for a reasonable extension of the termination date. Any such application must be in writing and be received by the commission no later than June 30, 1998. Failure to submit a timely extension application shall constitute a waiver of the right to request an extension. An extension may be granted upon the commission's determination that the applicant has demonstrated that the amortization period is an unreasonable burden upon the business and does not allow adequate time to recover a reasonable return upon the business investment. The applicant shall have the burden of proof to demonstrate hardship with the established termination date and also the time required for an extension. In making its decision, the commission may consider any factor relevant to the issue, including, but not limited to:

(1)~~a.~~ The degree or magnitude of threat to the public health, safety and general welfare posed by the secondary impacts of the operation~~.~~;

(2)~~b.~~ Whether the applicant's property interest in the nonconforming use was extinguished before the expiration of the amortization period~~.~~;

(3)~~c.~~ Whether the value of being free of competition for the period of the amortization period equaled the value of the property interest remaining at the end of the amortization period~~.~~;

(4)~~d.~~ The ease by which the property could be converted to a conforming use~~.~~;

(5)~~e.~~ The cost of relocating the adult bookstore~~.~~; and

(6)~~f.~~ Reasonable availability of alternative locations as designated by the zoning code as being practically and legally available for adult uses.

(Code 1956, § 62.102; Ord. No. 16908, 4-20-82; Ord. No. 16956, 9-9-82; Ord. No. 17038, 7-5-83; Ord. No. 17116, 3-22-84; Ord. No. 17204, 1-15-85; Ord. No. 17524, §§ 21--23, 1-6-88; Ord. No. 17889, § 18, 11-21-91; Ord. No. 17902, § 1, 1-16-92; C.F. No. 91-531, §§ 31, 32, 5-6-93; C.F. No. 93-1718, §§ 65, 66, 12- 14-93; C.F. No. 95-1060, § 2, 9-27-95; C.F. No. 95-1140, § 6, 10-18-95; C.F. No. 96-307, § 3, 4-24-96; C.F. No. 96-1342, § 3, 11-13-96; C.F. No. 97-222, § 2, 4-2-97; C.F. No. 97-1089, §§ 8, 9, 10-1-97; C.F. No. 98-216, §§ 1, 2, 4-8-98; C.F. No. 99-750, § 7, 9-1-99)

Chapter 63~~2~~. Zoning Code--Regulations of General Applicability ~~Provisions~~

~~Chapter 63. Zoning Code--General Exceptions~~

~~**Sec. 62.100. Conflicting regulations.**~~ [Moved to §60.109, under a more logical location for this paragraph.]

~~**Sec. 62.101. Scope.**~~ [Moved to §60.105, a more logical location for this paragraph.]

~~**Sec. 62.102. Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and land.**~~ [Moved to new Chapter 62, Nonconforming Lots, Uses and Structures.]

~~**Sec. 63.100. General exceptions.**~~

~~The regulations in this code shall be subject to the interpretations and exceptions in this chapter.~~

~~(Code 1956, § 63.000)~~ [unnecessary]

~~**Sec. 63.101. Essential services.**~~ [Moved to §60.106, a more logical location for his paragraph.]

~~**Sec. 63.102. Voting place.**~~ [Moved to §60.107, a more logical location for this paragraph.]

ARTICLE I. 63.100. GENERAL PROVISIONS AND PERFORMANCE STANDARDS

Sec. 63.101~~4~~. Lots adjoining alleys.

In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area and density requirements of this code, one-half the width of such alley adjoining the lot shall be considered as part of such lot.

(Code 1956, § 63.103; Ord. No. 16956, 9-9-82)

Sec. 63.102~~3~~. Height limit.

The height limitations of this code shall not apply to mechanical service stacks, tanks, ventilation equipment, chimneys, church spires, flag poles, public monuments, and similar equipment; provided, however, that the planning commission may specify a height limit for any such structure when such structure requires authorization as a conditional use ~~subject to special conditions~~.

(Code 1956, § 63.102; Ord. No. 16906, 4-20-82; Ord. No. 17204, 1-15-85; C.F. No. 95-1140, § 7, 10-18-95)

Sec. 63~~2~~.103~~16~~. Height districts.

In order to protect the economic and aesthetic amenities of the city and in order to implement plans long envisioned, those areas of the city shown on map entitled "Height Districts of The City of Saint Paul" are restricted to the following maximum height for all structures:

Area	Maximum Height of Structure (Saint Paul Datum in Feet)
I	60
II	75
III	90

(Code 1956, 62.118; Ord. No. 17204, 1-15-85)

Sec. 63~~2.11~~104. Residential entranceway.

In all Residential Districts, so-called entranceway structures, including, but not limited to, walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects, may be permitted and may be located in a required yard, ~~except as provided in section 62.112, below;~~ provided~~,~~ that such entranceway structures shall comply with all codes of the City of Saint Paul, and all state codes, and shall be approved ~~by the division of housing and building code enforcement and a permit be issued~~ by the zoning administrator.

(Code 1956, § 62.112)

~~**Sec. 62.112. Reserved.**~~

~~**Editor's note**--C.F. No. 99-750, § 10, adopted Sept. 1, 1999, repealed § 62.112, which pertained to corner clearance and derived from § 62.113 of the 1956 Code, as amended by Ord. No. 17524, § 31, adopted Jan. 6, 1988.~~

~~**Sec. 62.113. Zoning lot, more than one zoning designation.**~~ [Moved to §60.306.]

Sec. 63.105~~6~~. Porches and decks.

(a) An open, uncovered porch or deck serving the principal structure shall be subject to setback and lot coverage requirements for the principal structure with the following exceptions:

(1) The porch or deck may project into a required front or rear yard for a distance not exceeding ten (10) feet, providing the walking surface of the porch or deck is not higher than thirty (30) inches above the adjacent grade in the front yard and not higher than eight (8) feet above the adjacent grade in the rear yard, but this shall not be interpreted to include or permit fixed canopies. These permitted projections shall be excluded from lot coverage calculations.

(2) The porch or deck shall be no closer than six (6) feet to a detached accessory building, unless the porch or deck is not higher than two (2) feet above the adjacent grade.

(b) The walking surface of an open, uncovered porch or deck serving a detached accessory building only shall not exceed two (2) feet in height above the adjacent grade or shall be considered part of the accessory building and must meet all setback and lot coverage requirements for the accessory building.

(c) An uncovered porch, deck or patio not exceeding two (2) feet in height is considered landscaping and is not subject to setback or lot coverage requirements.

(d) An open, covered porch may project up to six (6) feet into a required front yard.

(Code 1956, § 63.105; Ord. No. 16204, 1-15-85; C.F. No. 99-750, § 12, 9-1-99)

Sec. 63.106~~7~~. Projections into yards.

(a~~d~~) Attached vestibules, ~~covered~~ enclosed entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard and shall be included as part of the principal structure for lot coverage purposes.

(b) Ramps for the handicapped are exempted and may project into required yards.

(c) Chimneys and fireplaces may project one (1) foot into a required yard.

(d~~a~~) Except as otherwise provided for in section 63~~2.106~~500(b~~2~~), overhangs, decorative details and bay windows may project into a required yard sixteen (16) inches plus two (2) inches for each foot of width of the required side yard.

(e) Air conditioning condensers may be permitted in required side and rear yards and nonrequired front yards.

(Code 1956, § 63.106; Ord. No. 16956, 9-9-82; Ord. No. 17524, § 34, 1-6-88; C.F. No. 93-1718, § 81, 12-14-93; C.F. No. 96-462, § 10, 6-5-96; C.F. No. 99-750, § 12, 9-1-99)

Sec. 63.107~~5~~. Multiple dwelling side yard.

For the purpose of side yard regulations, a two-family house, a townhouse or a multiple dwelling shall be considered as one building occupying one lot.

(Code 1956, § 63.104)

Sec. 63~~2.1~~108. Foundations.

All buildings shall have a permanent foundation to comply with the state building code.

(Ord. No. 17039, 7-7-83)

Sec. 63.109. Reserved.

Sec. 63.110. General design standards.

The following design standards shall be used in site plan review, as applicable, unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable.

(a) New development shall relate to the design of adjacent traditional buildings, where these are present, in scale and character. This can be achieved by maintaining similar setbacks, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.

(b) Primary building entrances on all new buildings shall face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.

(c) In pedestrian-oriented commercial districts (generally characterized by storefront commercial buildings built up to the sidewalk) the following standards for new construction shall apply:

(1) Buildings shall be as close to the sidewalk as practical.

(2) At intersections, buildings shall "hold the corner," that is, have street facades at or near the sidewalks of both streets.

(3) Buildings shall have a direct pedestrian connection to the street.

(4) No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas.

(5) Buildings shall have window and door openings facing the street; windows facing parking lots are also encouraged.

(d) Residential uses at street level shall generally be set back far enough from the street to provide a private yard area between the sidewalk and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability for first floor units.

(e) All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of 1½ times its height from any primary facade fronting a public street. Screens shall be of durable,

permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.

(f) Attached garages shall be set back at least five (5) feet behind the principal front facade of the building unless topographic conditions or lot configuration make this impractical. Detached garages shall be located consistent with the prevailing pattern on the block or within the neighborhood, unless physical conditions make this impractical.

(g) If transit facilities are needed to serve existing or proposed development, provisions shall be made, where practical, for location of a bus stop or sheltered transit waiting area in a convenient and visible location.

(h) The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.

Sec. 63.111. Residential development on steep slopes.

~~[62.108](g) *Review of residential development on steep slopes.*~~ In reviewing residential development on slopes of greater than twelve (12) percent, the zoning administrator shall, in addition to general site plan standards ~~above~~, consider the following requirements and standards:

(a~~1~~) An engineering report on slope stability and hydrology, if the zoning administrator determines that such a report is warranted. The zoning administrator shall establish and maintain written criteria to use in making this determination, which criteria may include the size of the proposed development and any official records of soil instability, groundwater, and erosion in the vicinity. An engineering report must be prepared by a registered hydrological, geotechnical or soils engineer. Before a grading permit will be issues, the following elements of the engineering report must be submitted to the City and approved:

(1~~a~~) An evaluation of existing conditions including slope stability, ground water, and surface water. Testing should use techniques that minimize disturbance to existing slopes and vegetation (for example, drilling cores for soil samples rather than digging with a back hoe).~~)~~

(2~~b~~) Site-specific recommendations for construction. Recommendations will depend on site conditions but may include the use of drain tiles, water-proofing walls, poured concrete foundations and sump pumps.

(3~~c~~) A schedule of inspections to be attended by City staff, the builder and the engineer who prepared the report. As a minimum, inspections shall be scheduled prior to grading, after grading and during installation of any special measures required to deal with slope stability or water conditions.

Before any additional building permits will be issued, a post-grading report must be submitted and approved by the City. This report must document conditions after grading, note any problems or conditions that were not anticipated or adequately addressed in the pre-grading portion of the engineering report and make recommendations for solutions to any problems found.

(b~~2~~) Buildings should be designed to fit into the hillside without significant regrading to protect the stability of the slope and preserve existing trees while preventing excessively tall retaining walls and unattractive trough-shaped yards between buildings and retaining walls. Multi-story buildings are encouraged to reduce the size of the building footprint.

(c~~3~~) Existing trees shall be preserved where possible and shall be protected during construction. New trees should be planted to partially obscure new hillside buildings and parking. To accomplish this a tree preservation plan shall be included with the site plan.

(1~~a~~) *Tree preservation plan: Required information.* The tree preservation plan shall include the following:

a~~1~~. The location, diameter at breast height (DBH) and species of all existing trees six (6) inches DBH or larger within the limits of disturbance.

b~~2~~. The location and dimension of all buildings (existing and proposed); the location of easements, adjacent roadways and vehicular access driveways; existing and proposed grading; site drainage facilities; parking areas; sidewalks and utilities.

c~~3~~. The location of all trees that will be preserved and incorporated into the proposed site design. All tree drip lines shall be noted.

d~~4~~. A description of how trees will be protected before and during construction.

e~~5~~. The location of trees to be removed, replacement trees and areas proposed for additional landscaping, including, but not limited to, the tree name (botanical and common); the quantity of each species; tree caliper, measured six (6) inches aboveground; and a typical planting detail.

(2~~b~~) *Tree replacement.* In areas with slopes steeper than twelve (12) percent, trees to be removed for development or reasonably anticipated to be lost due to development shall be replaced according to the following requirements:

a~~1~~. Individual trees of at least twelve (12) inches DBH but less than eighteen (18) inches DBH shall be replaced on the basis of one (1) replacement tree for every one (1) tree removed.

b~~2~~. Individual trees of at least eighteen (18) inches DBH but less than twenty-four (24) inches DBH shall be replaced on the basis of two (2) replacement trees for every one (1) tree removed.

c~~3~~. Individual trees of twenty-four (24) inches DBH or larger shall be replaced on the basis of three (3) replacement trees for every one (1) tree removed.

d~~4~~. Replacement shall not be required for removal of trees in areas to be occupied by buildings, private streets, driveways, areas required for accessory parking or within a distance of fifteen (15) feet of a building foundation or for trees determined by the superintendent of parks to be hazardous, diseased, dying or dead.

e~~5~~. Trees designated for removal within the limits of disturbance may be transplanted within the site and counted as replacement trees.

f~~6~~. Deciduous replacement trees of nursery stock shall be at least two and one-half (2½) caliper inches and of a species similar to the tree(s) lost or removed. Coniferous replacement trees shall be at least six (6) feet in height and of species similar to the tree(s) lost or removed.

(d~~4~~) Retaining walls taller than four feet shall be constructed under City permit with frost footings as required by the State Building Code and shall be engineered to retain lateral earth pressures consistent with the principles fo soils mechanics, and shall be detailed to minimize hydrostatic pressures. On a case by case basis, the zoning administrator may relax these standards for retaining walls tha~~h~~t serve minor landscaping purposes.

(e~~5~~) On Irvine Avenue and on Pleasant Avenue between Ramsey Street and the Walnut Street public stairway, additional hillside design standards and guidelines apply as listed in the Irvine Avenue Development Plan of 2003.

Sec. 63.112. ~~[62.108](e) *Review of*~~ **Earth-sheltered structures.**

In reviewing the site plan for earth-sheltered structures, the zoning administrator ~~planning commission~~ shall, in addition the above objectives, consider:

(a~~1~~) Type and location of landscaping to ensure maximum compatibility with adjacent above-grade housing.

(b~~2~~) Proper safeguards for erosion control, including, but not limited to, landscaping and seeding to topsoil. Slope and bluff locations should be evaluated for their ability to withstand crumbling or sagging.

(c~~3~~) Proof of soil conditions which would not cause damage to adjacent users.

(d~~4~~) Proper drainage systems to handle stormwater runoff.

(e~~5~~) Minimum setbacks of four (4) feet shall be required for all below-grade construction. Above-grade portions shall meet setback requirements of the district in which located.

~~**Sec. 62.119. Setback requirements for earth-sheltered structures.**~~

~~All below ground portions of earth-sheltered structures shall have minimum setbacks of four (4) feet.~~

~~(Ord. No. 17039, 7-7-83)~~

Sec. 63.113. ~~[62.108](f) *Review of*~~ **Outdoor storage near residential districts and uses.**

In reviewing the site plan for outdoor storage in industrial districts, the zoning administrator may permit outdoor storage to be within three hundred (300) feet of a residential district or of a property occupied by a one-, two-, ~~three-, four-, townhouse~~ or multifamily dwelling~~;~~ provided~~,~~ that:

(a~~1~~) A visual screen, a minimum of six (6) feet in height, is placed between the outdoor storage and such residential district or use;

(b~~2~~) The zoning administrator has considered the location and design of the outdoor storage area and visual screen in relation to any plans or guidelines approved by the city council and in relation to the design character and building materials of adjacent residential areas~~.~~; and

(c~~3~~) The zoning administrator has notified by mail the property owners within three hundred fifty (350) feet of the outdoor storage area at least ten (10) days before the administrator is to approve the site plan and has considered the property owners' comments~~; and~~.

Sec. 63~~2~~.114~~07~~. Visual screens.

(a) Wherever a visual screen is required by this code, it shall be of sufficient height and density to visually separate the screened activity from adjacent property. The screen may consist of various fence materials, earth berms, plant materials or a combination thereof.

(b) Whenever visual screens are required, for the uses below, the following standards shall apply.

(1) Height regulations:

Use	Minimum Height	Maximum Height
Off-street parking	4 ft. 6 in.	6.5 ft.
Outdoor storage	6 ft.	--
Recycling drop-off station	6 ft.	--
Recycling collection center	6 ft.	--
Recycling processing center	8 ft.	--
Motor vehicle salvage operation	8 ft.	--
Hospital, ambulance and delivery areas	6 ft.	8.0 ft.
Utility building, stations and substations	6 ft.	8.0 ft.

(2) Visual screens shall be located completely within the lot line.

(3) Visual screen locations shall conform with front yard setback lines in residential districts.

(4) When mutually agreeable to all property owners involved, a required visual screen may be located on the opposite side of an alley right-of-way from the nonresidential zone. Maintenance shall be the responsibility of the person required to erect the screen.

(5) The land between the screen and the property line shall be landscaped and maintained so that all plant materials are healthy and that the area is free from refuse and debris.

(6) Required visual screens shall have no openings for pedestrians or vehicles except as shown on an approved site plan.

(7) Visual screens shall be maintained in a good state of repair.

(8) In all cases where a required visual screen would extend to an alley or street which is an entrance to or exit from an off-street parking facility, it shall be permissible to end the visual screen not more than ten (10) feet from such alley line or street line.

(9) For multifamily structures with ten (10) or more units, office, commercial and industrial uses, garbage dumpsters and trash containers shall be located to the rear of the principal building and enclosed by a visual screen.

(Code 1956, § 62.107; Ord. No. 16799, 5-28.81; Ord. No. 17204, 1-15-85; Ord. No. 17777, 10-11-90; C.F. No. 93-777, § 2, 12-28-93)

Sec. 63~~2~~.115~~09~~. Landscaping and plant materials.

(a) Landscape plans shall be based on a comprehensive site and soil inventory, the surrounding landscape, sustainability issues and maintenance requirements. The following guidelines shall be used in developing landscape plans.

(1) Connect or cluster landscape plantings together wherever possible, as opposed to creating isolated small plantings. Planting areas shall be at least four (4) feet in width.

(2) Reinforce the urban forest by preserving healthy mature trees where possible and planning for a continuous canopy of trees at maturity in areas adjoining public streets or parking lots. Foundation shrubs should be spaced close enough together to form a solid mass at maturity.

(3) Stormwater treatment shall employ best management practices and shall be integrated into the landscape design to the extent possible.

(b) The species, size, location and spacing of plant materials shall be appropriate for the purpose intended. ~~A list of plant materials hardy in Minnesota is provided in Appendix C to this zoning code and shall be regarded as suitable for purposes of this code.~~ Plant materials must be hardy in Minnesota and for the conditions in which they will be planted. Plant materials shall meet the following standards:

(1) Minimum plant sizes (at time of planting):

Medium and large trees*--2 1/2-inch caliper.

Small trees--6 to 8 feet overall height.

Shrubs--15 to 18 inches overall height.

*Shall be balled and burlapped stock.

(2) Wherever plant materials are used to satisfy a visual screen requirement, planting shall be sufficiently dense to provide an unbroken visual barrier within a maximum of two (2) growing seasons after the time of planting.

~~(3) Except as otherwise provided in section 60.574, planting areas shall be at least four (4) feet in width~~.

(3~~4~~) The genus and species of all plant materials must be identified on all plans submitted for permit approval.

(c~~5~~) The owners shall be responsible for maintaining all landscaping in a healthy and growing condition and keeping it free from refuse and debris. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.

(Code 1956, § 62.110; Ord. No. 16799, 5-28-81; Ord. No. 17062, 10-20-83)

Sec. 63~~2~~.116~~0~~. Exterior lighting.

(a) All outdoor lighting in all use districts, including off-street parking facilities, shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences in such a way as not to exceed three (3) footcandles measured at the residence district boundary.

(b) All lighting in all districts used for the external illumination of buildings shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

(c) Illumination of any other outdoor feature shall be maintained stationary and constant in intensity and color at all times when in use.

(Code 1956, § 62.111; Ord. No. 16799, 5-28-81)

Sec. 63~~2~~.117~~5~~. Vibration ~~Performance standards~~.

~~All uses shall conform to the following performance standards:~~

~~(1) *Vibration.*~~ Every use in an IR~~-1~~ or ~~RC~~I-1 District shall be so operated that ground vibration is not perceptible, without instruments, at any point on any boundary line of the lot on which the use is located. Uses in I-2 and I-3 Districts creating intense earth-shaking vibrations, such as are created by heavy drop forges, shall be set back at least three hundred (300) feet from the boundary of a Residence or Business District and at least one hundred fifty (150) feet from an I R~~-1~~ or ~~RC~~I-1 District unless such operation is controlled in such manner as to prevent transmission, beyond the lot lines, of vibration perceptible without instruments.

Sec. 63.118. Glare and heat.

~~(2) *Glare and heat.*~~ Any operation in an IR~~-1~~ or ~~RC~~I-1 District producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along any boundary line of the lot on which the use is located. Any operation in an I-2 and I-3 District producing intense glare or heat shall be performed within a completely enclosed building or within an enclosure in such a manner as not to create a public nuisance or hazard along any boundary line of the lot on which the use is located.

(Code 1956, § 62.117; Ord. No. 17511, § 7, 11-12-87)

Sec. 63.119. Reserved.

Sec. 63~~2~~.120~~14~~. Private residential pools and hot tubs.

Private outdoor residential pools, both above and below ground, and hot tubs are permitted as an accessory use within the rear yard or nonrequired side yard; except that, for multiple-family developments, the planning commission may determine the location of the pool or tub. Private outdoor pools and hot tubs shall meet the following requirements as applicable:

(a~~1~~) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall for aboveground pools. For in-ground pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.

(b~~2~~) There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.

(c~~3~~) No swimming pool shall be located less than ten (10) feet from any side street or alley right-of-way, or the distance required for side yard by the zoning code, whichever is greater.

(d~~4~~) No swimming pool shall be located in a public easement.

(e~~5~~) All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use.

(f~~6~~) All yards containing hot tubs shall be secured as in subsection (5) above or shall have a cover which shall be locked when the hot tub is not in use.

(Code 1956, § 62.116; Ord. No. 17038, 7-5-83; Ord. No. 17204, 1-15-85; C.F. No. 99-750, § 11, 9-1-99)

Sec. 63~~2~~.121~~7~~. Radio and television antennas.

Antennas, including single satellite dish TVRO's three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, ham radio transmitters and television receivers, are permitted as accessory uses in all zoning districts and shall meet the following requirements:

(a~~1~~) Accessory antennas shall not be erected in any required yard, except a rear yard, and shall be set back a minimum of three (3) feet from all lot lines.

(b~~2~~) Guy wires or guy wire anchors shall be set back a minimum of one (1) foot from all lot lines.

(c~~3~~) Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district.

(Ord. No. 16906, 4-20-82; C.F. No. 93-1815, § 16, 12-28-93)

~~**Sec. 62.120. Nonuse of cellular telephone antennas.**~~ [Moved to new §65.310, Antenna, cellular telephone.]

ARTICLE II. 63.200. PARKING REQUIREMENTS

~~**Sec. 62.103. Parking requirements.**~~

Sec. 63.201. Off-street parking.

~~(a) *Off-street parking.*~~ Except in a B-4 or B-5 District, off-street parking spaces shall be provided in all districts at the time of erection, enlargement or expansion of all buildings in accordance with the requirements of this section. Before a certificate of occupancy shall be issued, the number of off-street parking spaces provided shall be as hereinafter prescribed. In ~~an OS-2~~ the TN3 Traditional Neighborhood District, the number of off-street parking spaces provided shall be at least two-thirds (2/3) of the number hereinafter prescribed.

Sec. 63.202. Site plan required.

~~(b) *Site plan required.*~~ A site plan approved by the planning commission shall be required for the establishment of a new off-street parking facility, for the paving of an unimproved off-street parking facility and for the repaving of an off-street parking facility whose existing paved surface is removed. These facilities shall meet ~~the~~ all standards and regulations for parking facilities and site plans contained in this zoning code ~~section, section 62.104 and section 62.108~~, and all paving shall require a building permit pursuant to Chapter 33 of the Legislative Code. A site plan shall not be required when a new coating is applied over an existing paved surface. Site plans for one- to four-family dwellings ~~units~~ may be approved by the zoning administrator.

Sec. 63.203. Multi-tenant buildings and shared spaces.

~~(c) *Multi-tenant buildings and shared spaces.*~~ The parking requirement for each use in a multi-tenant building shall be determined based on the percentage of the gross floor area used by each use in the multi-tenant building. Any shared space, such as an atrium, common area, utility area, unfinished basement, public or shared restrooms, staircase or elevator area shall be considered, for purposes of determining parking requirements, the same as storage areas. Uses with access to these shared spaces shall be responsible for providing the required parking for these spaces.

Sec. 63.204. Change in use within a structure.

~~(d) *Change in use within a structure.*~~ When any uses which exist within a structure change to a new use, the following rules shall apply:

(a~~1~~) *Change in use requiring additional parking.* Except when commercial uses are established in the B~~-2~~C District or when parking is specifically required for a ~~special~~ conditional use permit, when any existing uses change to new

uses which require six (6) or more additional off-street parking spaces than the existing uses, the six (6) or more additional spaces shall be provided along with the spaces already provided ~~by the existing uses~~. New uses which require five (5) or fewer spaces than the existing uses shall be exempt from providing additional spaces. However, this exemption provision shall be calculated cumulatively starting from adoption of this provision on January 3, 1994, so that no property receives a total exemption of more than five (5) spaces ~~since the adoption of the provision on January 3, 1994~~.

(b~~2~~) *Change in use requiring less parking.* When any existing uses change to new uses which require fewer off-street parking spaces than the existing uses, the new uses requiring fewer off-street parking spaces shall be considered as the existing uses when determining any subsequent change in use requiring additional off-street parking spaces in (1) above.

(c~~3~~) *Vacant structures.* When a structure, or part of a structure, is vacant, the zoning administrator shall determine the previous existing use for purposes of calculating parking requirements using city records, land use surveys or directories.

Sec. 63.205. Change in use of parking areas.

~~(e) *Change in use of parking areas.*~~ Designated or identifiable existing off-street parking facilities, accessory to one (1) or more principal uses, structures or facilities, may be changed to another use when the remaining off-street parking meets the requirements that this section would impose on new buildings for all facilities, structures or uses, including the new use. When the remaining off-street parking does not meet such requirements, other off-street parking shall be substituted for the parking spaces changed to another use, and additional off-street parking shall be provided for the new use in accordance with the requirements of this section.

Sec. 63.206. Rules for computing required parking. ~~(f) *Rules for computing required parking:*~~

(a~~1~~) For the purpose of computing the number of parking spaces required, the definition of "gross floor area" in section 60.207~~6~~ shall apply.

(b~~2~~) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one (1) parking space.

(c~~3~~) There shall be provided off-street parking spaces for all premises licensed for on-sale intoxicating liquor (excluding restaurants licensed for wine, strong beer, or nonintoxicating malt liquor) or entertainment as provided herein:

~~a. Transfer or new issuance of a license to a structure newly constructed for that purpose, off-street parking pursuant to section 62.103(g).~~

(1)~~b. Transfer or new~~ Issuance of a license to an existing structure not previously licensed during the twenty-four (24) months preceding the application, off-street parking pursuant to section 63~~2~~.~~1~~207~~3(g)~~.

(2)~~c.~~ Expansion of a licensed structure with an on-sale intoxicating liquor or an entertainment license, off-street parking at the same rate as transfer or new issuance to an existing structure not previously licensed, plus twenty-five (25) percent of any parking shortfall for the existing building licensed area. "Parking shortfall" shall mean the difference between required parking pursuant to section 63~~2~~.~~1~~207~~3(g)~~ for the existing licensed structure minus the number of parking spaces actually provided for that structure.

(3)~~d.~~ Expansion of a licensed structure with an on-sale intoxicating liquor or an entertainment license, or an upgrade in an ~~on-sale intoxicating liquor or~~ entertainment license, when located within six hundred fifty (650) feet of another existing establishment with an on-sale intoxicating liquor or entertainment license shall provide an additional fifteen (15) percent of any parking shortfall.

(d~~4~~) When at least one (1) of two (2) or more uses has a parking deficiency and their peak parking hours do not overlap, the zoning administrator may permit the dual function of their off-street parking spaces as long as peak parking hours for the uses do not overlap and the uses within the buildings do not change and thereby require additional off-street parking. Building owners with such shared parking permits shall submit an annual statement to LIEP which verifies the nonconcurrent peak parking hours of the buildings involved with the shared parking permit and a list of uses within each building to verify no changes in uses which would require additional parking.

(e~~5~~) ~~a.~~ If parking spaces are provided for self-parking, accessible spaces shall be provided as required by the Accessibility Guidelines for Buildings and Facilities of the Americans with Disabilities Act (ADA) in conformance with the table below. One (1) in every eight (8) accessible spaces, but at least one (1) space, shall be van accessible. Required spaces need not be provided in the particular lot but may be provided in a different location if equivalent or greater accessibility is ensured. Each space reserved for the exclusive use of the handicapped shall be designated

by a sign with the international wheelchair symbol. Parking facilities for residential uses with fewer than five (5) units are exempt from this standard but shall provide accessible spaces upon request of residents with handicaps.

Total Parking In Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1000

~~b.~~ If an existing parking facility loses off-street parking spaces as a result of moving the facility toward compliance with the provisions of the Americans with Disabilities Act, the parking facility shall be credited with the number of parking spaces lost when calculating the total number of spaces provided for zoning purposes.

(f~~6~~) The storage of merchandise or trucks, the repair of vehicles, or the business of selling merchandise is prohibited in off-street parking areas.

(g~~7~~) When any land or building is used for two (2) or more distinguishable uses, or when owners or managers of a group of buildings in a contiguous area wish to provide parking cooperatively through a shared parking agreement, the planning commission may approve a shared off-street parking facility permit. The number of off-street spaces required to serve the combination of all uses shall be determined in accordance with this section. The uses to which this section may be applied are: Office, retail, restaurant, cinema, residential, and/or hotel. The methodology used to determine the minimum number of shared off-street spaces shall be the department of planning and economic development's current shared parking computer program, which is based on the Urban Land Institute's (ULI) Model Shared Parking Program. All mixed use developments using this section shall meet the standards and requirements of the PED shared parking program subject to site plan approval as hereinafter set forth and except as otherwise amended herein. The following conditions shall apply to any shared parking facility for mixed uses:

(1)~~a.~~ All requirements and conditions imposed upon the shared parking facility shall be recorded on the abstracts or certificates of title of the land upon which the facility is located and on the titles and lease agreements of the uses sharing the facility and shall serve as notice to all subsequent purchasers of the existence of the shared parking facility and all requirements associated therewith.

(2)~~b.~~ Each use in the mixed use development shall be within five hundred (500) feet of the shared parking facility, measured from the nearest point of the building in which the use is located to the nearest point of the shared parking facility.

(3)~~c.~~ Parking spaces reserved on a twenty-four-hour basis cannot be shared and may not be included in the minimum space requirements for the shared parking facility.

(4)~~d.~~ All uses and buildings comprising the mixed use development, whether new or existing, must be included in determining the parking requirement under this section.

(5)~~e.~~ All applications and plans for shared parking facilities shall be submitted for site plan review in accordance with ~~section 62.108~~ the requirements of this code. All proposed uses for the mixed use development, together with all parking spaces and access drives, shall be clearly designated on the site plan. Landscaped areas shall also be designated, and proposed tree and shrubbery plantings shall be described. The commission may attach such additional conditions to approval of the site plan as are reasonable and necessary to prevent any adverse impact upon nearby streets or properties.

(6)~~f.~~ Parking spaces designated for the handicapped shall be provided in accordance with the provisions of the Accessibility Guidelines for Buildings and Facilities of the Americans with Disabilities Act (ADA).

(7)~~g.~~ After a shared parking facility has been approved, any subsequent change, addition or deletion in the original mixed land uses or change in intensity of such uses requiring more than five (5) additional spaces shall require permit review and approval by the planning commission. No ~~special~~ conditional use or occupancy permit for the new or changed uses shall be issued without such approval from the planning commission unless additional off-street parking spaces are provided in accordance with ~~sub~~section ~~(6) above~~ 63.207,

Parking requirements by use . The applicant, its successors and assigns shall certify on demand in writing to the planning administrator and zoning administrator that the mixed use development and shared parking facility continue to comply with the provisions of this section, the conditions of site plan approval and any covenants, agreements or bonds executed in conjunction therewith; that no substantial physical or operational changes have been made to the mixed use development or shared parking facility; and that no intensification of uses has occurred.

(8)~~h.~~ The month of the year that results in the greatest demand will be used to determine the minimum number of parking spaces required. The planning commission may modify the standard assumptions (percent auto usage, patrons outside hotel, captive market retail, noncaptive market--nonretail, and noncaptive market residential) if the applicant provides proof of one (1) or more of the following:

a~~1~~. The location within five hundred (500) feet of the mixed use development of other parking facilities whose peak periods of use do not conflict with those of the proposed mixed use development or which have excess parking spaces;

b~~2~~. For office uses, a ride sharing program, when the applicant submits evidence that it will organize and coordinate a viable ride sharing program. The applicant may be required to submit covenants or other appropriate instruments, in recordable form, to ensure that the applicant and its successors and assigns will continue to implement the ride sharing program. Performance bonds may also be required where appropriate; or

c~~3~~. Reservation by the applicant by way of covenant or other instrument in recordable form of land or space within five hundred (500) feet of the mixed use development, sufficient to provide additional parking spaces equivalent to the number of spaces being reduced for a period of not less than five (5) years.

Sec. 63.207. Parking requirements by use.

~~(g) *Parking requirements by use.* Except as provided in section 60.573,~~ [Section 60.573 does not apply.] The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Land Use	**Minimum Number of Parking Spaces ~~Per Unit of Measure~~**
Residential Uses	
~~Single-family~~ Dwelling	1.5 spaces per unit
~~Single-family~~ Dwelling in R~~-1~~L zone~~s~~	2.0 spaces per unit
Housing on Irvine Avenue	2.0 spaces per unit plus one (1) guest parking area per unit (~~Refer to 62.104(18~~ see section 63.312)
~~Two-family/duplex~~	~~1.5 spaces per unit~~
~~Low/mid-rise apartment~~	~~1.5 spaces per unit~~
~~High-rise apartment~~	~~1.5 spaces per unit~~
~~Condominium~~	~~1.5 spaces per unit~~
Housing for the elderly	0.33 spaces per unit
Community residential facility, emergency housing facility, shelter for battered persons, transitional housing facility	1 space per every 2 adult facility residents ~~beds plus 1 space per day shift employee or full-time equivalent~~
Mission	1 space per employee
Rooming house	1 space per 3 occupancy units
Boarding care home	1 space per 2 beds and 1 space per day shift employee or full-time equivalent
Nursing home	1 space per 3 beds and 1 space per each 2-day shift employees or full-time equivalent
Dormitory	1 for every 3 beds
Fraternity, sorority	1 for every 5 active members or 1 for every 2 beds, whichever is greater
Civic and Institutional Uses	
Educational and Religious Institutions	
Church/chapel/synagogue/temple	1 space per 3 seats or 6 feet of pews in the main unit of worship
Day care center	1 space per employee
Elementary/middle/junior high school	1 space per teacher or administrator
Senior high school	1 space per employee, teacher and staff member and 1 per 10 students

Land Use	Minimum Number of Parking Spaces ~~Per Unit of Measure~~
Technical college, trade school, business school	1 space per every 2 employees and staff members and 1 per every full-time student or 3 part-time students
University, college, seminary	1 per every 2 employees and staff members and either 1 per every 3 full-time students not on campus or 1 for every 3 part-time students, whichever is greater
Social, Cultural and Recreational Facilities	
~~Private~~ Club, lodge hall	1 space per 75 sq. ft. GFA
Golf course	6 spaces per hole and 1 per employee
Golf driving range	1 space per 15 feet of driving line
Multi-use community center~~s~~	1 space per 250 sq. ft. GFA
Museum, art gallery	1 space per 500 sq. ft. GFA
Public library	1 space per 450 sq. ft. GFA
Commercial ~~Service~~ Uses	
Offices	
General office~~s~~	1 space per 350 sq. ft. GFA
Office park	1 space per 400 sq. ft. GFA
Finance, insurance, real estate office	1 space per 275 sq. ft. GFA
Photographic studio	1 space per 800 sq. ft. GFA
Medical Facilities	
Hospital	1.8 spaces per bed
Medical/dental clinic/office	1 space per 250 sq. ft. GFA
Veterinary clinic/hospital	1 space per 250 sq. ft. GFA
Retail Sales and Services	
General retail, retail stores in general	1 space per 225 sq. ft. GFA
~~Apparel store~~	~~1 space per 225 sq. ft. GFA~~
Bank	1 space per 240 sq. ft. GFA plus 5 stacking spaces per lane for drive-in bank
Beauty parlor, barber shop	1 space per 250 sq. ft. GFA
Convenience market, supermarket	1 space per 250 sq. ft. GFA
Drug store	1 space per 250 sq. ft. GFA
Furniture/appliance store	1 space per 500 sq. ft. GFA
Hardware/paint store	1 space per 340 sq. ft. GFA
Laundromats, coin-operated dry cleaners	1 space per every 3 washing or cleaning machines
Lumber yard, building materials center	1 space per 275 sq. ft. of indoor sales area plus 1 space per 5,000 sq. ft. of warehouse/storage.
Massage parlor	1 space per 300 sq. ft. GFA
Mortuary	1 space per 150 sq. ft. GFA
Multi-use retail center	1 space per 280 sq. ft. GFA
Package ~~Express~~ delivery service	1 space per 500 sq. ft. GFA plus 1 space per employee
Post office	1 space per 500 sq. ft. GFA plus 1 space per each 2 employees
Pawn shop, within a completely enclosed building	1 space per 225 sq. ft. GFA
Pawn shop, with outdoor sales space	1 space per 400 sq. ft. of area for sales, office, plus 1 space per 2,000 sq. ft. of outdoor sales
Repair shop	1 space per 300 sq. ft. GFA
Showroom~~s~~, contractor's shop, exhibition hall~~s,~~	1 space per 900 sq. ft. GFA
Food and Beverages	
Coffee shop, tea house	1 space per 175 sq. ft. GFA
Restaurant with or without on-sale wine, strong beer, or nonintoxicating malt liquor	1 space per 125 sq. ft. GFA

Land Use	Minimum Number of Parking Spaces ~~Per Unit of Measure~~
Establishment with on-sale intoxicating liquor or entertainment license class A	1 space per 100 sq. ft. GFA and as required in section 62.103(f)(3)
Establishment with on-sale intoxicating liquor or entertainment license class B or C	1 space per 75 sq. ft. GFA and as required in section 62.103(f)(3)
Restaurant, carry-out	1 space per 225 sq. ft. GFA
~~Fast food~~ Restaurant, fast food	1 space per 110 sq. ft. GFA plus 6 stacking spaces for drive-through lane
Lodging	
~~Bed and breakfast-residential~~	~~1.5 spaces per unit and 1 space per B & B unit up to and including 3 rooms~~
Bed and breakfast residence~~-commercial~~	1.5 spaces per dwelling unit and 0.5 spaces per guest room
Hotel or motel	1 space per occupancy unit plus additional for bars, restaurants, assembly rooms
Commercial Recreation and Entertainment	
Basketball, volleyball court	9 spaces per court
Bowling, bocce ball center, billiard hall	4 spaces per lane, 2 spaces per table ~~and~~ plus required parking for other uses
Dance hall, bingo hall, electronic game rooms, ~~and~~ assembly halls without fixed seats	1 space per 75 sq. ft. GFA
Marina	1 space per 2 slips
Miniature golf	1 space per hole
Roller rink, ice-skating rink	1 space per 100 sq. ft. GFA
Sports club, health spa, karate club	1 space per 260 sq. ft. GFA plus 1 space per employee
Stadium, sports arena	1 space per 4 seats or ~~1 for each~~ 8 feet of benches plus 1 space per 2 employees
Swimming club	1 space per 400 sq. ft. GFA
Tennis, racquetball, handball, courts/club	3 spaces per court or lane, 1 space per 260 sq. ft. GFA of related uses, and 1 space per employee
Theater, auditorium	1 space per 4 seats and 1 space per 2 employees
Automobile Services	
Automobile convenience market	1 space per 225 sq. ft. GFA
Automobile repair shop, service station, body shop, specialty store	1 space per 275 sq. ft. GFA plus 1 space per each auto service stall
Auto repair accessory to auto sales	2 spaces per auto service stall
Automobile sales new/used	1 space per 400 sq. ft. or area for sales, office, plus 1 space per 2,000 sq. ft. of outdoor sales
~~Automobile~~ Car wash	5 stacked spaces per washing lane, 2.5 spaces per stall for self-service, and 1 space per 2 employees
Limited Processing and Storage	
Self-service storage	1 space per 5,500 sq. ft. GFA
Warehousing, storage	1 space per 5,000 sq. ft. GFA
Wholesaling	1 space per 1,500 sq. ft. GFA
Industrial Uses	
Industrial, manufacturing	1 space per 650 sq. ft. GFA or 1 space per 2,000 sq. ft. GFA if more than 50% of production floor space is occupied by automated machinery
Research and development	1 space per 575 sq. ft. GFA
Sheltered workshop	1 space per employee plus 1 for each 25 program participants
Utility building	1 space per employee

Sec. 63.208. Parking requirements for other uses.

~~(h) *Parking requirements for other uses.*~~ For those uses not specifically mentioned in ~~paragraph (g)~~ section 63.207, the requirements for off-street parking shall be in accordance with a use which the planning commission considers as similar in type. When the planning commission determines that there is no use listed in section 63.207 ~~paragraph (g)~~ which is similar to a petitioning use, the planning commission may determine the minimum number of parking spaces required for such use.

Sec. 63.209. Legal nonconforming parking deficiency.

~~(i) *Legal nonconforming parking deficiency.*~~ Nonresidential uses with a legal nonconforming parking deficiency may provide additional parking spaces, when not associated with the expansion of the gross floor area or a change in use requiring additional parking, that can be "saved" and used to meet a future parking requirement. Such additional parking must be legally added with an approved site plan and can only be "saved" for three (3) years from site plan approval date for surface parking and for six (6) years from site plan approval date for structured parking. Such parking will not be used to decrease the legal nonconforming parking deficiency for this period of time. If these parking spaces are not needed to meet a new parking requirement associated with either an expansion of the gross floor area or a change in use requiring additional parking, after three (3) years for surface parking or after six (6) years for structured parking, the parking spaces will be used to decrease any legal nonconforming parking deficiency that may exist.

Sec. 63.210. Bicycle parking bonus.

~~(j) *Parking bonus provisions.*~~

~~(1) *Bicycle parking bonus:*~~

(a)~~.~~ A nonresidential use with between five thousand (5,000) square feet and ten thousand (10,000) square feet of land area dedicated to parking may substitute bicycle parking for a portion of its minimum off-street parking requirement not to exceed one (1) parking space.

(b)~~.~~ A nonresidential use with more than ten thousand (10,000) square feet of land area dedicated to parking may substitute bicycle parking for a portion of its minimum off-street parking requirement not to exceed two (2) parking spaces.

(c)~~.~~ For the purpose of calculating a permitted substitution, two (2) completely enclosed and secure bicycle lockers are the equivalent of one (1) parking space; five (5) spaces in a bicycle rack are the equivalent of one (1) parking space.

(d)~~.~~ The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient third of the automobile parking. In addition, bicycle parking facilities shall be anchored to prevent easy removal.

(Code 1956, § 62.103; Ord. No. 16799, 5-28-81; Ord. No. 17062, 10-20-83; Ord. No. 17204, 1-15-85; Ord. No. 17205, 1-15-85; Ord. No. 17330, § 2, 2-18-86; Ord. No. 17393, § 5, 9-4-86; Ord. No. 17470, §§ 2, 3, 7-1-187; Ord. No. 17524, § 24, 1-6-88; Ord. No. 17646, § 7, 4-6-89; Ord. No. 17689, § 7, 10-26-89; Ord. No. 17889, § 19, 11-21-91; C.F. No. 91-261, §§ 4--7, 11-23-93; C.F. No. 93-1324, §§ 2--4, 6, 11-23-93; C.F. No. 93-1718, §§ 67--69, 12-14-93; C.F. No. 95-203, §§ 3--6, 3-22-95; C.F. No. 95-1444, § 4, 1-17-96; C.F. No. 96-462, §§ 8, 9, 6-5-96; C.F. No. 96-1028, § 5, 10-9-96; C.F. No. 98-216, § 6, 4-8-98; C.F. No. 99-750, § 8, 9-1-99; C.F. No. 00-972, 11-8-00)

ARTICLE III. 63.300. OFF-STREET PARKING FACILITY STANDARDS AND DESIGN

Sec. 63~~2~~.301~~04~~. Off-street parking facility standards and design.

Wherever the off-street parking requirements in Article II, Parking Requirements, of this chapter ~~section 62.103~~ require the building of an off-street facility, or where a VP~~-1~~ Vehicular Parking District~~s (section 60.720) are~~ is provided, or where any off-street parking facility is built, such off-street parking facilities shall be laid out, constructed and maintained in accordance with the following standards and design~~:~~.

Sec. 63.302. Site plan review.

~~(1) *Site plan review.*~~ A site plan shall be submitted for review as outlined in section 61~~2~~.402~~108~~. In addition, the following shall be submitted:

(a)~~.~~ Ownership of all lots or parcels intended for use as parking~~.~~;

(b)~~.~~ Indication of all structures or facilities to be served by the off-street parking facility~~.~~; and

(c)~~.~~ Location and direction of drainage for stormwater runoff.

Applications for building permits that involve changing any parking space to another use shall include the following information:

(1~~i~~) All uses, structures or facilities served by such off-street parking spaces;

(2~~ii~~) Total number of parking spaces accessory to such uses, structures or facilities; and

(3~~iii~~) Number of parking spaces proposed to be changed to another use.

Sec. 63.303. Parking location, residential.

~~(2) *Parking facility location; residential.*~~ Residential off-street parking shall consist of an off-street parking facility or parking spaces as defined in this code. Parking spaces for one- and two-family dwelling units shall be located on the same zoning lot that they are intended to serve. Parking spaces for buildings containing three (3) or more dwelling units shall be on the same zoning lot, in a VP~~-1 zoning~~ Vehicular Parking D~~d~~istrict, or in an abutting zoning lot in the same or less restrictive zoning district.

Sec. 63.304. Parking location, nonresidential.

~~(3) *Parking facility location; nonresidential.*~~ Off-street parking for other than residential use shall be either:

(a) On the same zoning lot as the building it is intended to serve~~.~~; or

(b) In a VP~~-1~~ Vehicular Parking District~~, in a shared parking arrangement pursuant to section 60.413(15),~~ or within the same or a less restrictive zoning district as the principal use. This parking shall be located ~~and~~ within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot~~.~~; or

(c) Part of a shared commercial parking arrangement in an institutional lot pursuant to section 65.732.

Sec. 63.305. Minimum layout dimensions.

~~(4) *Minimum layout dimensions:*~~

Pattern	Parking Space Width	Parking Space Length	Maneuvering Lane Width
Parallel Parking	8 ft.	21 ft.	12 ft.
30° - 53°	8 ft., 6 in.	18 ft.	12 ft.
54° - 74°	8 ft., 6 in.	18 ft.	15 ft.
75° - 90°	9 ft.	18 ft.	20 ft.

INSET: Parking Space Pattern

Sec. 63.306. Compact spaces.

~~(5) *Compact spaces.*~~ Accessory parking facilities may designate up to fifty (50) percent of the spaces for compact cars only, in which case, the minimum layout dimensions may be reduced to eight (8) feet in width and sixteen (16) feet in length. Compact spaces shall be designated by signs with a minimum of one (1) sign per every four (4) compact spaces.

Commercial parking facilities may designate any number of compact parking spaces.

Sec. 63.307. Handicapped accessible parking spaces.

~~(6) *Handicapped accessible parking spaces.*~~ Parking spaces for the handicapped shall be designed in accordance with the provisions of the Accessibility Guidelines for Buildings and Facilities of the Americans with Disabilities Act (ADA).

Sec. 63.308. Maneuvering lanes.

~~(7) *Maneuvering lanes.*~~ Except as provided in ~~paragraph (8) of this~~ section 63.309, access to any parking space for a use other than one- or two-family structures shall be provided by a maneuvering lane. All off-street parking facilities shall be designed so that any vehicle leaving or entering the facility from or onto a public street shall be traveling forward.

Sec. 63.309. Stacked parking.

~~(8) *Stacked parking.*~~ Stacked parking shall be allowed in any off-street parking facility whenever an attendant is present. Space for any maneuvering of vehicles must be provided in the attended parking facility.

Sec. 63.310. Entrances and exits.

~~(9) *Entrances and exits.*~~ Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives.

(a)~~.~~ Entrances and exits to and from a parking facility on residentially zoned land shall not be across land in a more restrictive residential zoning district.

(b)~~.~~ Entrances and exits to and from a parking facility in a commercial or industrial zoning district shall not be across land in a residential district.

(c)~~.~~ Entrances and exits to and from all parking facilities located in land zoned other than R~~-LL, R-1 through R-4, RT-1, and~~ -RT~~-~~2 shall be at least twenty-five (25) feet from any adjoining property in RL~~-1 through R-4, RT-1 and~~ RT~~-~~2 zoning districts.

(d)~~.~~ Entrances and exits to and from a parking facility shall be at least thirty (30) feet from the point of intersection of curblines of two (2) or more intersecting streets.

(e)~~.~~ Alley access from residential property. Entrances and exits to and from all off-street parking facilities located on land zoned for residential use shall be permitted access to an alley except where it is determined in the review of a site plan application that permitting alley access may be harmful to the public peace, health and safety.

Uses prohibited alley access elsewhere in the zoning code shall not be permitted alley access by the provisions of this section.

(f)~~.~~ Alley access from nonresidential property. Entrances and exits to and from all off-street parking facilities which are located on land in nonresidential zoning districts and which abut residentially zoned land across an alley shall be denied alley access except where the applicant can establish, in the review of a site plan application, that allowance of alley access would not create or aggravate an unsafe condition and one (1) or more of the following conditions exist:

(1)~~.~~ Alternatives to alley access are unsafe due to traffic volumes, traffic speeds, proximity to an intersection, steep slopes, a blind pedestrian crossing, or some other unsafe condition;

(2)~~.~~ The location of existing structures on the property prohibits access to the street;

(3)~~.~~ A comprehensive plan or a neighborhood plan approved by the city council recommends that new off-street parking facilities be located in the rear of development sites or discourage additional curb cuts or driveways across sidewalks; or

(4)~~.~~ The number of parking spaces in the off-street parking facility is seven (7) or less.

If a new alley access is proposed which will serve eight (8) or more parking spaces, notice to adjacent property owners and opportunity for them to comment shall be provided in the manner set forth in section 61~~2~~.402~~108~~(b)(5). Decisions to grant or deny alley access are subject to appeal pursuant to the provisions of section 61~~4~~.~~3~~700.

Uses prohibited alley access elsewhere in the zoning code shall not be permitted alley access by the provisions of this section.

Sec. 63.311. Wheel stops.

~~(10) *Wheel stops.*~~ Provisions shall be made by use of such devices as curbs, wheel stops and earth berms to prevent vehicles from damaging or overhanging adjacent property, ~~or~~ public rights-of-way or required landscaping.

Sec. 63.312. Setback.

~~(11) *Setback.*~~ Except as otherwise provided in section 66~~0~~. 442~~573(1)~~(c) or section 66~~1~~.431(b)~~103(a)~~ off-street parking spaces shall not be within a required front or side yard and shall be a minimum of four (4) feet from any ~~side~~ lot line. ~~(18)~~ For housing on Irvine Avenue, a guest parking space may be provided on the driveway or elsewhere. If it is provided elsewhere, a guest parking area is exempt from setback requirements for parking spaces and it may be paved with gravel.

Sec. 63.313. Visual screening.

~~(12) *Visual screening.*~~ For off-street parking facilities which adjoin or abut across an alley, a residential use or zoning district, a visual screen shall be provided and maintained~~;~~ as required in section 63~~2~~.114~~07~~, Visual screens.

Sec. 63.314. Landscaping.

~~(13) *Landscaping.*~~ For any parking facility, other than a parking garage, landscaping shall be provided to buffer the facility from adjacent properties and from the public right-of-way; reduce the visual glare and heat effects of large expanses of pavement; and provide areas for the retention and absorption of stormwater runoff. All required yards and any underdeveloped space shall be landscaped using materials such as trees, shrubs, sod or groundcover plants. ~~In addition to perimeter landscaping, parking lots for more than fifty (50) cars shall contain planted islands. As a minimum, one (1) square foot of landscaped area shall be provided for every ten (10) square feet of paving. A fast-food restaurant that is not part of a retail strip center shall provide, as a minimum, one and one-half (1.5) square feet of landscaped area for every ten (10) square feet of paving.~~ Any landscaped area shall be planted and maintained in accordance with section 63~~2~~.115~~09~~, Landscaping and plant materials. All parking and loading areas (including drive-through facilities, outdoor auto sales and rental, pump island service areas and stacking spaces) adjoining public streets or sidewalks shall provide:

(a) A landscaped yard at least 4 feet wide along the public street or sidewalk. If vehicles may overhang the yard, an additional 3 feet of width shall be provided.

(b) In all districts except industrial districts, screening shall be provided consisting of a masonry wall or decorative fence (not including chain link) supplemented with landscape material, forming a screen a minimum of 3 feet in height, a maximum of 4½ feet in height, and not less than 50 percent opaque.

(c) In addition to perimeter landscaping, parking lots for more than fifty (50) cars shall contain planted islands. As a minimum, one (1) square foot of landscaped area shall be provided for every ten (10) square feet of paving.

(d) A fast-food restaurant that is not part of a retail strip center shall provide, as a minimum, one and one-half (1.5) square feet of landscaped area for every ten (10) square feet of paving.

Sec. 63.315. Maintenance.

~~(14) *Maintenance.*~~ All areas of all off-street parking facilities shall be kept free from refuse and debris.

Sec. 63.316. Paving.

~~(15) *Paving.*~~ All parking spaces, driveways and off-street parking facilities shall be paved with asphalt or other durable, dustless surfacing or of material comparable to the adjacent street surfacing [This reflects current policy.] in accordance with other specifications of the zoning administrator. The parking area shall be paved within one year of the date of the permit except as provided in section 61~~2~~.~~1~~40~~28~~(e~~f~~).

Sec. 63.317. Parking structures.

(a) The ground floor facade abutting any public street or walkway shall be designed and architecturally detailed in a manner consistent with nearby commercial or office buildings.

(b) The design of upper floors shall ensure that sloped floors do not dominate the appearance of the facade.

(c) Windows or openings shall be provided that echo those of surrounding buildings.

(d) Entrance drives to structured parking (including underground parking) shall be located and designed to minimize interference with pedestrian movement. Pedestrian walks shall be continued across driveways.

(e) The appearance of structured parking entrances shall be minimized so that they do not dominate the street frontage of a building. Possible techniques include recessing the entry; extending portions of the structure over the entry; using screening and landscaping to soften the appearance of the entry; using the smallest curb cut and driveway possible; and subordinating the parking entrance (compared to the pedestrian entrance) in terms of size, prominence, location and design emphasis.

Sec. 63.318. Lighting.

~~(16) *Lighting.*~~ All parking facilities shall be illuminated to a level to allow safe, secure access to the parking facility and within it. Light fixtures on the top level of parking structures shall be set back from the edge so that they are not visible from the adjoining street. All parking facility illumination shall conform to the provisions of section 63~~2~~.116~~0~~, Exterior lighting.

Sec. 63.319. Stormwater runoff.

~~(17) *Stormwater runoff.*~~ Stormwater drainage from off-street parking facilities ~~stormwater drainage~~ into public sewers shall be controlled so that peak stormwater discharge rates from the site for all storms up to and including the critical 100-year frequency will not exceed:

$Q = 1.64 \times A$ where Q = the maximum acceptable discharge rate in cubic feet per second and

A = the site area in acres.

Parking facilities shall be designed so that discharge of all stormwater runoff and surface water shall be in a fashion so as to preclude drainage of water onto adjacent property or toward buildings.

~~(18) For housing on Irvine Avenue . . .~~ [Moved to §63.312 above.]

(Code 1956, § 62.104; Ord. No. 16799, 5-28-81; Ord. No. 17062, 10-20-83; Ord. No. 17204, 1-15-85; Ord. No. 17524, §§ 25, 26, 1-6-88; Ord. No. 17689, § 8, 10-26-89; Ord. No. 17779, § 2, 10-11-90; Ord. No. 17889, § 20, 11-21-91; C.F. No. 93-1718, §§ 70--73, 12-14-93; C.F. No. 93-777, § 1, 12-28-93; C.F. No. 97-1089, § 6, 10-1-97)

ARTICLE IV. 63.400. OFF-STREET LOADING AND UNLOADING

Sec. 63~~2~~.40~~105~~. Off-street loading and unloading.

On the same premises with every building, structure or part thereof involving the receipt and distribution of vehicles, materials, merchandise, supplies or equipment, there shall be provided and maintained on the zoning lot, in addition to ~~zoning~~ off-street parking in conformance with the requirements of this code, adequate space for maneuvering, standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

(a~~1~~) All spaces shall be laid out in dimensions of at least ten by fifty feet (10' by 50') or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having a permanent, durable and dustless surface. All spaces shall be provided in at least the following ratio:

Gross Floor Area (In Square Feet)	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0--1,400	None
1,401--20,000	One space
20,001--100,000	One space plus one space for each 20,000 square feet in
100,001 and over	Five (5) spaces

(b~~2~~) No off-street loading space shall be located in any yard adjoining any residential use or zoning district.

(c~~3~~) Space shall be provided within the off-street loading area so that any maneuvering back into or out of a loading space can be conducted outside of any public right-of-way.

(Code 1956, § 62.105; Ord. No. 16799, 5-28-81)

ARTICLE V. 63.500. ACCESSORY BUILDINGS

Sec. 63~~2~~. 501~~06~~. Accessory buildings.

Accessory buildings, except as otherwise provided in this code, shall be subject to the following regulations:

(a~~1~~) When the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this code applicable to main buildings.

(b~~2~~) Accessory buildings, structures or uses shall not be erected in or established in a required yard except a rear yard. Passenger vehicles may be parked in front yards providing they are located on an approved driveway that leads to a legal parking space.

On corner lots, accessory buildings, structures or uses shall be set back from the street a distance equal to that required of the principal structure.

When an accessory building, structure or use is constructed in a rear yard which adjoins a side yard or front yard, the accessory building, structure or use shall be set back from the interior lot line a distance equal to the minimum side yard required of the principal structure.

On all other lots, accessory buildings shall be set back at least three (3) feet from all interior lot lines, and overhangs shall be set back at least one-third (1/3) the distance of the setback of the garage wall or one (1) foot, whichever is greater.

This setback requirement from all interior lot lines for accessory buildings in rear yards shall be waived when a maintenance easement is recorded as to the affected properties, when proof of such recorded easement is provided at the time of application for a building permit and when the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement shall be interpreted to mean that the following intents and purposes of this setback requirement are met:

(1)~~a.~~ Adequate supply of sunlight and air to adjacent property;

(2)~~b.~~ Sufficient space for maintenance of the building from the same lot; and

(3)~~c.~~ Prevention of damage to adjoining property by fire or runoff from roofs.

A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory structure is attached to an accessory structure on an adjoining lot.

(c~~3~~) In any residential area, accessory buildings shall not exceed fifteen (15) feet in height; provided, however, that accessory buildings with a flat or shed roof style shall not exceed twelve (12) feet in height. Carriage house dwellings ~~in an OS-2 General Office-Service District~~ shall not exceed 25 feet in height.

Exception: Accessory building heights shall not apply to property within designated Heritage Preservation Districts nor to designated historic sites. In these cases appropriate building heights for accessory structures shall be determined through the design review process to ensure that heights are acceptable and in keeping with scale and style of development on the property.

(d~~4~~) Accessory buildings on a zoning lot may occupy up to thirty-five (35) percent of the rear yard. Rear yards which adjoin alleys may include half the area of the alley to calculate the area of the rear yard which may be occupied by accessory buildings.

On zoning lots containing one- and two-family dwellings, there shall be a maximum of three accessory buildings, the total of which shall not occupy more than one thousand (1,000) square feet of the zoning lot. On zoning lots containing all other uses, accessory buildings may occupy the same percent of the zoning lot as main buildings are allowed to occupy in the zoning district~~, as specified in tables in sections 61.101, 61.103, 61.104 and 61.105~~.

(e~~5~~) In those instances where ~~the rear~~ a lot line ~~or a side lot line is coterminous with the~~ adjoins an alley right-of-way, the accessory building shall not be closer than one foot to such ~~rear~~ lot line~~s~~.

(f~~6~~) On through lots, where frontage is clearly established within a given block, rear yard setbacks shall be equal to the side yard setback required of the principal structure ~~district in which located~~.

(g~~7~~) Accessory buildings shall be located at least six (6) feet from the principal structure or shall be considered attached for purposes of the zoning code.

(Code 1956, § 62.106; Ord. No. 17038, 7-5-83; Ord. No. 17204, 1-15-85; Ord. No. 17476, § 1, 7-15-87; Ord. No. 17511, § 7, 11-12-87; Ord. No. 17524, §§ 27, 28, 1-6-88; C.F. No. 93-1718, §§ 74, 75, 12-14-93; C.F. No. 96-77, § 4, 2-14-96; C.F. No. 96-1342, § 4, 11-13-96; C.F. No. 99-750, § 9, 9-1-99; C.F. No. 00-972, 11-8-00)

~~**Sec. 62.107. Visual screens.**~~ [Moved to §63.114.]

~~**Sec. 62.108. Site plan review (all districts).**~~ [Moved to §61.400.]

~~(a) *Plan to be submitted.*~~ [Moved to §61.400.]

~~(b) *Site plan application:*~~ [Moved to §61.400.]

~~(c) *Site plan review and approval.*~~ [Moved to §61.400.]

~~(d) *Compliance and time requirements.*~~ [Moved to §61.400.]

~~(e) *Review of earth-sheltered structures.*~~ [Moved to § 63.112.]

~~(f) *Review of outdoor storage near residential districts and uses.*~~ [Moved to § 63.113.]

~~(g) *Security agreement.*~~ [Moved to §61.400.]

~~(h) *Certificate of occupancy.*~~ [Moved to §61.400.]

~~**Sec. 62.109. Plant materials.**~~ [Moved to section 63.115, Landscaping and plant materials.]

ARTICLE VI. 63.600. WETLAND CONSERVATION

~~**Chapter 65. Zoning Code--Wetland Conservation**~~

~~ARTICLE I. PURPOSE; INCORPORATION BY REFERENCE; SCOPE~~

Sec. 635.601~~00~~. Purpose.

The purpose of Article VI, Wetland Conservation, of this chapter is to implement the Wetland Conservation Act of 1991 (Minn. Laws 1991 Chapter 354, as amended), and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minn. Rules Chapter 8420, as amended).

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.602~~101~~. Incorporation by reference.

Article VI, Wetland Conservation, of this chapter incorporates by reference the Wetland Conservation Act and the accompanying rules. All words and terms used in this chapter which are defined in the act, rules or elsewhere in the zoning code shall have the meanings given therein.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.603~~102~~. Scope.

Article VI, Wetland Conservation, of this chapter regulates the draining and filling of wetlands and parts of wetlands within Saint Paul. It is a part of the zoning code (official controls).

(C.F. No. 94-75, § 1, 2-9-94)

~~ARTICLE II. GENERAL PROVISIONS AND ADMINISTRATION~~

Sec. 635.604~~200~~. Exemption and no-loss determinations.

The zoning administrator shall make determinations whether plans to drain or fill wetlands are exempt from the requirements to replace drained or filled wetlands, as set forth in Minn. Rules Part 8420.0210, and whether proposed work will result in a loss of wetlands, as set forth in Minn. Rules Part 8420.0220. The zoning administrator may seek the advice of the technical evaluation panel on questions of wetlands delineation and type.

The zoning administrator's decisions are final unless an administrative appeal to the board of zoning appeals is filed as set forth in section 614~~4~~.700~~204~~ of the ~~Z~~zoning code.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.605~~201~~. Sequencing.

The planning commission may not consider a wetland replacement plan unless it finds that the applicant has complied with all of the principals of sequencing in Minn. Rules Parts 8420.0520. Provided that if the size of the wetland to be drained or filled is less than one-tenth (0.1) of an acre, the zoning administrator shall make the sequencing findings as set forth in Minn. Rules Part 8420.0520, Subpart 2.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.606~~202~~. ~~Special c~~Conditional uses.

Draining or filling wetlands except wetlands determined exempt in section 635.604~~200~~ shall be ~~principal uses permitted subject to special~~ conditional uses in all zoning districts.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.607~~203~~. Replacement plans.

(a) No draining or filling of wetlands shall take place until plans to replace the drained or filled wetlands have been approved by the planning commission. Replacement plans shall conform to all the requirements of Minn. Rules Parts 8420.0530 - .0550.

(b) Plans to drain or fill wetlands and to replace the drained or filled wetlands shall be acted on by the planning commission in accordance with section 614~~4~~.~~3~~500, Conditional use permits ~~planning commission and planning administrator approval~~, of the zoning code and with the additional notice and time requirements of Minn. Rules Part 8420.0230.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.608~~204~~. Monitoring replacement wetlands.

The zoning administrator shall assure that the wetland replacement plan monitoring and enforcement requirements of Minn. Rules Parts 8420.0600 - .0630 are fulfilled.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.609~~205~~. Wetland banking.

Wetlands may be restored or created within the city for purposes of deposit in the state wetland bank in accordance with Minn. Rules Parts 8420.0700 - .0760. The zoning administrator is responsible for approving plans to restore or create wetlands for deposit in the wetland bank, certifying that the wetlands were constructed as planned, and monitoring of banked wetlands and enforcement under the rules.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.610~~206~~. High priority areas.

Decisions regarding sequencing, replacement plans and banking shall particularly favor preservation, restoration and creation of wetlands in high priority areas as identified in water management plans pursuant to Minn. Rules Part 8420.0350.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.611~~207~~. Appeals to the board of water and soil resources.

After administrative appeals under the zoning code have been exhausted, decisions made under Article VI, Wetland Banking, of this chapter may be appealed to the board of water and soil resources as set forth in Minn. Rules Part 8420.0250.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.612~~208~~. Variances.

The board of zoning appeals may grant variances from Article VI, Wetland Conservation, of this chapter so long as the variances do not vary requirements of the act or the rules.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.613~~209~~. Technical evaluation panel.

(a) The city council shall appoint a person to serve on the technical evaluation panel. The person must be a technical professional with expertise in water resource management. The city council shall also select one (1) of the members of the panel to act as the contact person and coordinator for the panel.

(b) The city council, planning commission, zoning administrator, property owner or a member of the technical evaluation panel may request that the technical evaluation panel make a technical determination of the public value, location, size or type of wetlands in plans to drain, fill or replace wetlands. No decision on the plans shall be rendered until the panel makes the determination, as set forth in Minn. Rules Part 8420.0240.

(C.F. No. 94-75, § 1, 2-9-94)

Chapter 646. Zoning Code--Signs*

***Editor's note--**This chapter is derived from Code 1956, §§ 66.101--66.128, 66.201--66.217, 66.301, 66.401--66.415, and from the following ordinances:

Ord. No.	Sec.	Date	Ord. No.	Sec.	Date
16753		1-22-81	17223	1	3-14-85
17062		10-20-83	17414	1	11- 4-86
17098		1-18-84	17511	1	11-12-87
17204		1-15-84			

ARTICLE I. PURPOSE AND DEFINITIONS

Sec. 646.101. Purpose.

The purpose of this chapter is as follows:

(a~~1~~) To promote the public health, safety and general welfare of the community;

(b~~2~~) To encourage a concern for the visual environment which makes the city a more desirable place to live, work and visit;

(c~~3~~) To identify and promote business and industry in the city;

(d~~4~~) To reduce hazards which may be caused by signs projecting over public rights-of-way;

(e~~5~~) To protect open space and areas characterized by unique environmental, historical and architectural resources;

(f~~6~~) To protect the right of information transmittal;

(g~~7~~) Along advanced speed arteries, to promote the safety, convenience and enjoyment of public travel, to protect the public investment in highway beautification, and to preserve and enhance the natural scenic beauty or the aesthetic features of roadways in scenic and adjacent areas;

(h~~8~~) To reduce the number of nonconforming signs in the city, particularly billboards.

(i~~9~~) To control the quality of materials, construction, electrification and maintenance of all signs;

~~(10) To provide for variances from the strict interpretation of this chapter;~~

(j~~11~~) To provide for the administration of this chapter; and,

(k) ~~12)~~ To provide penalties for violations of the provisions of this chapter.

(Code 1956, § 66.101; C.F. No. 00-973, § 1, 11-15-00)

Sec. 646.102. Definitions.

All words and terms not defined in this chapter which are defined in the Minnesota State Building Code or elsewhere in the zoning code of the City of Saint Paul shall be interpreted as therein defined. Otherwise, for the purposes of this chapter, terms and words not herein defined shall have the meaning customarily assigned to them. Certain words and terms shall be defined as follows.

(Code 1956, § 66.102)

Sec. 646.103. A.

Advanced speed arteries. A limited access freeway or other road upon portions of which speeds of forty-five (45) miles per hour or greater are permitted.

Advertising sign. A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, sold or manufactured elsewhere than on the premises upon which the sign is placed. It shall be considered as a nonaccessory sign except that an advertising sign on a professional sports facility with permanent seating for more than ten thousand (10,000) spectators shall be considered as accessory. Billboards are a form of advertising sign. Advertising signs located on bus stop shelters, courtesy benches and newsstands are regulated under other chapters and are not subject to the requirements of this chapter.

(Code 1956, § 66.103; C.F. No. 00-686, § 1, 8-23-00; C.F. No. 00-973, § 1, 11-15-00)

Sec. 646.104. B.

Billboard. Any advertising sign larger than fifty (50) square feet except an accessory advertising sign at a professional sports facility.

Bulletin board. A sign which permits the posting of announcements regarding religious, civic, philanthropic or neighborhood activities.

Bus stop shelter. Bus stop shelters are regulated under appendix I and are not subject to the requirements of this chapter.

Business sign. A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, offered, sold or manufactured on the premises upon which the sign is placed. It shall be considered as an accessory sign.

(Code 1956, § 66.104; C.F. No. 00-973, § 1, 11-15-00)

Sec. 646.105. C.

Canopy sign. A sign painted, stamped, perforated, stitched or otherwise applied either on an awning or canopy or its valance.

Combination sign. A sign incorporating any combination of the features of freestanding, projecting and roof signs.

Courtesy bench. Courtesy benches are regulated under chapter 315 and are not subject to the requirements of this chapter.

(Code 1956, § 66.105; C.F. No. 93-1718, § 89, 12-14-93; C.F. No. 00-973, § 1, 11-15-00)

Sec. 646.106. D.

Directional sign. A sign which is used for the regulation of traffic flow into and within a parking lot.

Display surface. The area made available by the sign structure for the purpose of displaying the advertising message.

(Code 1956, § 66.106)

Sec. 646.107. E.

Electric sign. A sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Electronic message sign. A sign which allows for periodic changes in copy or symbols by electronic means.

(Code 1956, § 66.107; Ord. No. 17536, § 1, 2-2-88)

Sec. 646.108. F.

Flashing sign. An illuminated sign on which the illumination is not kept stationary or constant in intensity or color at all times when the sign is in use. An electronic message sign is not considered a flashing sign.

Freestanding sign. A sign which is mounted into the ground or supported by one (1) or more upright poles, columns, or braces placed in or on the ground and not attached to any building.

(Code 1956, § 66.108; Ord. No. 17536, § 2, 2-2-88; C.F. No. 93-1718, § 90, 12-14-93)

Sec. 646.109. G.

Gross surface display area. The entire area within a single continuous perimeter enclosing the extreme limits of such sign, but in no case passing through or between any element of the sign. The background on which a sign is placed shall be enclosed within the perimeter when the background is an integral part of the sign display surface. When signs are painted on or applied directly to a building, the perimeter shall include all elements of the sign together with the background of a different color than the natural color of the building. The perimeter shall not, however, include supporting framework or bracing when not used as a sign display surface.

(Code 1956, § 66.109; C.F. No. 93-1718, § 91, 12-14-93)

Sec. 646.110. H.

(Code 1956, § 66.110)

Sec. 646.111. I.

Identification sign. A sign stating the name of a person, firm or name or description of a use of the premises.

Illuminated sign. A sign upon which artificial light is directed or which has an interior light source.

(Code 1956, § 66.111; Ord. No. 17536, § 3, 2-2-88)

Sec. 646.112. J.

(Code 1956, § 66.112)

Sec. 646.113. K.

(Code 1956, § 66.113)

Sec. 646.114. L.

Lot frontage. The width of a lot measured along the line separating the lot from any street, as defined in Chapter 60. For a lot having frontage on more than one (1) street, the lot frontage for the purposes of this chapter may be determined by using the frontage having the least width plus one-half of the additional lineal feet of lot frontage.

(Code 1956, § 66.114; C.F. No. 99-750, § 13, 9-1-99)

Sec. 646.115. M.

Marquee. A permanent, roofed structure attached to and supported by the building and projecting over a public right-of-way.

(Code 1956, § 66.115)

Sec. 646.116. N.

Newsstand. Newsstands are regulated under chapter 128 and are not subject to the requirements of this chapter.

Nonstructural trim. The molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

(Code 1956, § 66.116; C.F. No. 00-973, § 1, 11-15-00)

Sec. 646.117. O.

(Code 1956, § 66.117)

Sec. 646.118. P.

Park. Land owned and maintained by the city that is used primarily for recreational purposes.

Parkway. A street designated as a parkway by Chapter 145 of this Code and also Interstate Highway I-35E between West Seventh Street and Interstate Highway I-94.

Political sign. A temporary sign which displays information pertaining to an upcoming governmental district, city, county, state or national election.

Portable display surface. A display surface temporarily fixed to a sign structure which is regularly moved from structure to structure at periodic intervals.

Portable sign. A sign which is attached to a chassis with wheels or skids or to a metal or wood frame, which is not permanently mounted into the ground.

Projecting sign. A sign other than a wall sign which projects from and is supported by a wall or a building or structure.

(Code 1956, § 66.18; Ord. No. 17536, §§ 4, 5, 2-2-88; C.F. No. 93-1718, §§ 92, 93, 12-14-93)

Sec. 646.119. Q.

(Code 1956, § 66.119)

Sec. 646.120. R.

Real estate development sign. A business sign placed on the premises of a subdivision or other real estate development.

Real estate sign. A temporary sign placed upon a property advertising that particular property for sale, rent or lease, and excluding a cloth, vinyl or banner sign, which are regulated under section 646.2402(m)(3).

Required yard. The space between the public right-of-way and the legal setback line, as defined in Chapter 60.

Right-of-way. The publicly owned land on which medians, roadways, shoulders, slopes, frontage roads, boulevards, sidewalks or on and off ramps are located.

Roof sign. A sign erected upon or above a roof or parapet of a building or structure.

(Code 1956, § 66.120; Ord. No. 17536, § 6, 2-2-88; C.F. No. 93-1718, § 94, 12-14-93)

Sec. 646.121. S.

Sign. The use of words, numerals, figures, devices, designs or trademarks the purpose of which is to show or advertise a person, firm, profession, business, product or message.

Sign structure. Any structure which supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole; it may not be an integral part of a building.

State building code. The Minnesota State Building Code, as may be amended from time to time, including all amendments thereto made from the date of enactment of the state building code.

Swinging sign. A sign that moves back and forth freely, or sways in the wind.

(Code 1956, § 66.121)

Sec. 646.122. T.

Temporary sign. A sign, flag, banner, pennant or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which is not permanently secured, intended to be displayed for up to three (3) nonconsecutive times per calendar year, each for a limited period of time only, not to exceed thirty (30) days, or once a year not to exceed ninety (90) days except that such signs may remain in place during the time of the construction of a building, during the time a building is offered for sale, rent or lease, until the closing date of sale, or as otherwise regulated herein. A portable sign shall not be deemed to be a temporary sign.

(Code 1956, § 66.122; C.F. No. 93-1718, § 95, 12-14-93)

Sec. 646.123. U.

(Code 1956, § 66.123)

Sec. 646.124. V.

(Code 1956, § 66.124)

Sec. 646.125. W.

Wall sign. A sign attached to or erected against the wall of a building or structure, with the exposed face of sign in a place substantially parallel to the plane of said wall.

(Code 1956, § 66.125)

Sec. 646.126. X.

(Code 1956, § 66.126)

Sec. 646.127. Y.

(Code 1956, § 66.127)

Sec. 646.128. Z.

Zoning district. A district shown on the zoning map of Saint Paul which is incorporated into the zoning code.

(Code 1956, § 66.128)

ARTICLE II~~V~~. 64~~6.4~~200. ADMINISTRATION AND ENFORCEMENT

~~Sec. 66.401. Enforcement.~~

~~The zoning administrator is hereby authorized and directed to enforce all the provisions of this chapter.~~

~~(Code 1956, § 66.401)~~

Sec. 64~~6.40~~201. Duties of zoning administrator.

(a) The zoning administrator shall enforce the provisions of this chapter and any amendment thereto and shall have the power to certify zoning compliance and sign permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter.

(b) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the zoning administrator or his authorized representative has reasonable cause to believe that there exists any sign or any condition which makes such sign unsafe or violative of this chapter, the zoning administrator or his authorized representative may enter the premises or building on which such sign is located, at all reasonable times, to inspect the sign or to perform any function or duty required of the zoning administrator by this chapter; provided, that if such a building or premises on which the sign is located is occupied, he shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the zoning administrator or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(c) No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the zoning administrator or his authorized representative for the purpose of inspection of signs and those conditions rendering such signs unsafe pursuant to this chapter. Any person violating this paragraph shall be guilty of a misdemeanor.

(d) The zoning administrator shall not issue any sign permits that do not conform to this chapter. No renewal of an expired permit shall be issued for a use or structure made nonconforming by amendments to this code.

(e) The zoning administrator shall not grant any variances with respect to this chapter in carrying out his duties as zoning administrator. Variances may be granted by the planning commission. The zoning administrator shall grant a permit upon a finding of compliance with the conditions imposed by this chapter.

(f) *Billboard inventory and enforcement.* The zoning administrator shall maintain an inventory of billboards in the city. The zoning administrator shall from time to time perform inspections of all billboards in the city and maintain records, which may include photographs, of all billboards. If the zoning administrator determines that the opinion of a structural engineer or other experts are needed, the zoning administrator may hire a consultant. A billboard owner must provide access for inspectors promptly; such access may involve getting to a rooftop through a lessor's building or providing a cherry picker.

(g) *Billboard fees.* The city shall collect annual billboard fees from their owners. Said fee shall be set by the city council by resolution upon recommendation from the zoning administrator on what amount is adequate to cover the city's costs for staff and contracted services to maintain the billboard inventory and strictly enforce all city regulations for billboards. The fee may be adjusted from year to year to reflect changes in the city's costs.

(Code 1956, § 66.402; C.F. No. 93-1718, § 111, 12-14-93; C.F. No. 00-973, § 1, 11-15-00)

Sec. 64~~6.~~202~~403~~. Licensing.

(a) *General.* No person engaging in or seeking to engage in the business of erecting or installing, repairing, maintaining or constructing any sign or sign structure within the limits of the city of Saint Paul shall so operate without a license issued in accordance with the provisions of this section.

(b) *Procedure.* The zoning administrator, upon a finding that the information on the application indicates that the applicant meets the minimum requirements of applicable laws, and attests to a general knowledge of the city's sign regulations, shall issue a license to the applicant. An applicant who believes he or she is wrongfully denied a license by the zoning administrator may appeal to the city council for a further determination of whether a license should be issued.

(c) *Place of business.* No license shall be granted under the terms of this section to any person unless that person shall have and maintain a bona fide business address. The license certificate shall be kept at this address at all times, and the zoning administrator shall be notified of any change of business location ~~of this~~ to another address.

(d) *Bond requirements.*

(1) No license issued under the terms of this section shall become effective until the licensee shall have filed with the zoning administrator a surety bond in the sum of eight thousand dollars ($8,000.00) in favor of the City of Saint Paul and conditioned that the city will be saved harmless from any loss, damage, costs or lawsuits by reason of improper or inadequate work performed by the holder of said license under the provisions of this chapter. Such bond shall be subject to approval as to form, execution and surety. Approved bonds shall remain in force for a period of time equivalent to the period of the license.

(2) In lieu of the bond required in (1) above, the licensee may post a compliance bond with the state department of commerce, as set forth in Minn. Statutes 325E.58.

(e) *Fees.* Any person fulfilling all qualifications and regulations stated herein and upon payment of a fee of one hundred twenty dollars ($120.00) shall be issued a license under the provisions of this section.

(f) *Expiration and renewal of licenses:*

(1) All licenses shall expire on the last day of the calendar year of issuance unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration, then all rights granted by such after the expiration of the license shall be a violation of this chapter.

(2) Renewal. Licenses may be renewed after the expiration date.

(g) *Revocation or suspension of licenses:* The city council may suspend or revoke the license of any person licensed under this chapter through the adverse action process upon a finding of a violation of section 310.06, according to hearing procedures as defined in section 310.05.

(Code 1956, § 66.403; C.F. No. 93-1718, § 112, 12-14-93; C.F. No. 00-973, § 1, 11-15-00)

Sec. 646.203~~404~~. Permits.

(a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain the names and addresses of the owners of the display structure and property; the address at which any signs are to be erected; the lot, block and addition at which advertising signs are to be erected and the street on which they are to front; and a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and placing of the display structure. Structural plans are required for all freestanding signs greater than fifty (50) square feet. Permit applications for advertising signs along state trunk highways and interstate highways shall be accompanied by proof that the applicant has obtained a permit from the State of Minnesota for the advertising sign.

(b) *Consent.* Applications for signs and/or sign structures erected, maintained or used for the public display of posters, painted signs or reading material shall be accompanied by an affidavit of a lease in force or deed indicating the consent of the owners of the property on which the display structure is to be erected.

(c) *Advertising sign bond:*

(1) The owner or persons in control of each and every advertising sign maintained within the limits of the City of Saint Paul shall file a bond in the sum of two thousand dollars ($2,000.00) for each and every advertising sign. The bond shall be conditioned to indemnify and save the City of Saint Paul harmless from all damages, costs and expenses, actions and causes of action that the city may incur or be liable to incur by reason of construction, maintenance or removal of any advertising sign.

(2) In lieu of the two thousand dollars ($2,000.00) bond required above, the owner may provide a bond covering all advertising owned or in control of any person, firm or corporation which shall be in the amount of twenty-five thousand dollars ($25,000.00) and shall be filed with the city. This bond shall be conditioned as stated above.

(3) All bonds shall be kept in force as long as the advertising signs are maintained. If any of the bonds becomes discharged by reason of nonpayment, liability, lapse of time for any reason whatever, the same shall be renewed immediately. If the bonds are not renewed upon demand, the advertising signs for which said bonds were enacted may be summarily removed by the city.

(Code 1956, § 66.404; C.F. No. 93-1718, § 113, 12-14-93; C.F. No. 97-1089, § 11, 10-1-97)

Sec. 646.204~~405~~. Exemptions.

The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.

(a~~1~~) The changing of the display surface on a painted or printed sign only. However, this exemption shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.

(b~~2~~) Signs six (6) square feet or less in size.

(c~~3~~) Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.

(d~~4~~) Political signs.

(Code 1956, § 66.405; Ord. No. 17524, § 36, 1-6-88)

Sec. 64~~6~~.205~~406~~. Abandoned signs.

Any business sign which advertises, identifies or pertains to an activity no longer in existence shall be removed by the owner of the property within thirty (30) days from the time the activity ceases existence. This provision does not apply to seasonal activities during the regular periods in which they are closed.

(Code 1956, § 66.406)

Sec. 64~~6~~.206~~407~~. Inspection and removal.

(a) All signs requiring a permit shall be inspected by the zoning administrator. The sign installer shall notify the zoning administrator at least forty-eight (48) hours prior to the installation of the sign.

(b) Footing inspections may be required by the zoning administrator for all signs having footings.

(c) All signs containing electrical wiring shall be subject to the provisions of the electrical code, and the electrical components used shall bear the label of an approved testing agency.

(d) The zoning administrator may order the removal of any sign that is not maintained in accordance with provisions of this chapter, provided he has sent a letter specifying the grounds for removal to the permittee giving the latter ten (10) days in which to appear before the zoning administrator to show cause why the sign could not be removed.

(e) All signs may be reinspected at the discretion of the zoning administrator.

(Code 1956, § 66.407; C.F. No. 93-1718, § 114, 12-14-93)

~~**Sec. 66.408. Appeals.**~~

~~(a) Any person affected by the decision of the zoning administrator dealing with the provisions of this chapter may appeal this decision to the planning commission within thirty (30) calendar days of the decision. The commission may not vary any provision contained in the state building code.~~

~~(b) If the decision of the zoning administrator is one which is governed by the provisions of the state building code, then an appeal may be taken from that decision in the manner prescribed in the state building code as it applies to the City of Saint Paul.~~

~~(Code 1956, § 66.408; C.F. No. 93-1718, § 115, 12-14-93)~~ [Provision for appeals is covered under §61.701.]

Sec. 64~~6~~.207~~409~~. Variances.

Applications for ~~The planning commission shall have the authority to grant~~ variance~~s~~ from the strict enforcement of the provisions ~~applications~~ of this chapter shall be filed and reviewed according to the provisions in Chapter 61, Administration and Enforcement. In addition to the requirements for variances in section 61.601, the applicant shall demonstrate that such variance is needed due to ~~for unique signs or~~ unusual conditions pertaining to sign needs for a specific building or lot, ~~provided such signs would not be contrary to the general intent of this chapter,~~ and that the sign would not create a hazard, ~~would not violate Minnesota State Statutes or rules and regulations developed pursuant thereto,~~ would not be objectionable to adjacent property owners, would not adversely affect residential property through excessive glare and lighting, and ~~provided that the signs~~ would be in keeping with the general character of the surrounding area. ~~The commission may not grant a variance that would permit the sign within a zoning district which is not otherwise permitted in that zoning district under the provisions of this chapter.~~

(Code 1956, § 66.409)

~~**Sec. 66.410. Interpretation.**~~

~~The provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations or permit previously adopted or issued, or which shall be adopted or issued, pursuant to the law relating to the use of buildings or~~

~~premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.~~

~~(Code 1956, § 66.410)~~

~~Sec. 66.411. Vested right.~~

~~Nothing in this chapter shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.~~

~~(Code 1956, § 66.411)~~ [This is an unnecessary restatement of §60.113, Vested right.]

~~Sec. 66.412. Violations.~~

~~Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. In addition, the owner or lessee of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof shall be guilty of a misdemeanor.~~

~~(Code 1956, § 66.412)~~ [This is an unnecessary restatement of §61.901, Violations.]

~~Sec. 66.413. Public nuisance per se.~~

~~Any sign which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.~~

~~(Code 1956, § 66.413)~~ [This is an unnecessary restatement of §61.902, Public nuisance.]

~~Sec. 66.414. Each day a separate offense.~~

~~A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.~~

~~(Code 1956, § 66.414)~~ [This is an unnecessary restatement of §61.904, Each day a separate offence.]

~~Sec. 66.415. Rights and remedies are cumulative.~~

~~The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.~~

~~(Code 1956, § 66.415)~~ [This is an unnecessary restatement of §61.905, Rights and remedies are cumulative.]

ARTICLE III. 64~~6~~.300. NONCONFORMING SIGNS

Sec. 64~~6~~.301. Nonconforming signs ~~Intent~~.

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

(a~~1~~) No sign shall be enlarged or altered in a way which increases its nonconformity except for temporary extensions on billboards as permitted in paragraph (g~~7~~) of this section.

(b~~2~~) Should such sign or sign structure be destroyed by any means to an extent greater than fifty-one (51) percent of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this chapter.

(c~~3~~) Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

(d~~4~~) No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which is it located.

(e~~5~~) When a structure loses its nonconforming status, as set forth in the zoning code, section 62.106~~2~~(g~~f~~)~~(7)~~ all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

(f~~6~~) Signs may be repainted, reposted or replaced when there is a change of any nonconforming use as set forth in the zoning code, section 62.105~~2~~(c~~e~~)~~(3)~~.

(g~~7~~) Any rectangular billboard may contain extensions, cutouts or top lettering which occupy a total area not in excess of fifteen (15) percent of the area of the basic advertising sign and form an integral part of the design thereof; and provided further, that no such extension, cutout or top lettering may project more than six (6) feet from the top, eighteen (18) inches from either side or fifteen (15) inches from the bottom of the basic rectangular advertising message. The area of an extension, cutout or top lettering shall be deemed to be the area of the smallest rectangle into which such extension, cutout or top lettering will fit. Temporary extensions shall be completely removed not later than ninety (90) days after installation and the total combined period of temporary extensions for a sign face shall not exceed one hundred eighty (180) days per year.

(Code 1956, § 66.301; C.F. No. 00-973, § 1, 11-15-00)

Sec. 64~~6~~.302. Nonconforming signs; exceptions.

Any advertising sign existing as of the date of this section [February 2, 1988] which is located in a zoning district which does not permit advertising signs or which does not conform to the size, height and/or spacing requirements of this chapter may be replaced, relocated or renovated in the manner provided in this section; provided, however, that such activity shall bring the sign into greater compliance with the provisions of this chapter and satisfy the following standards:

(a) *Advertising signs to be replaced, relocated or renovated on the same zoning lot:*

(1) The zoning lot must be within a zoning district in which advertising signs are a permitted use, as specified in section 66.214(a) or (i), or as permitted in a special sign district approved by the city council.

(Code 17536, § 30, 2-2-88; C.F. No. 93-1718, § 110, 12-14-93)

ARTICLE ~~I~~IV. 64~~6.2~~400. GENERAL PROVISIONS

Sec. 64~~6.2~~401. All signs~~--Permit, zoning district~~.

No person shall place, erect or maintain a sign, nor shall a lessee or owner permit property under his control to be used for such a sign, which does not conform to the following requirements and without first obtaining the requisite permit for such sign. The following provisions shall apply in all zoning districts, and to all exterior signs visible to the general public from a public right-of-way~~, except those constructed in or visible from the interior of the downtown skyway system~~.

(a~~1~~) No sign or sign structure shall be erected or maintained at any location where, by reason of its position, size, shape, content, color or illumination, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic-control sign, signal or device, or where it may interfere with, mislead or confuse traffic.

(b~~2~~) No sign or sign structure shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.

(c~~3~~) All signs which are unsafe and/or unsightly shall be repaired or removed. Unsafe signs must be repaired or removed within twenty-four (24) hours after notification. Unsightly signs must be repaired or removed within fifteen (15) days of notification. The term "unsightly" shall mean a condition in which the sign has deteriorated to the point where at least one-fourth of the surface area of the name, identification, description, display, illustration or other symbol is no longer clearly recognizable at a distance of twenty (20) feet; or where paint is peeling, chipping or flaking from the structure surface; or where the sign has developed significant rust, corrosion, rotting or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of twenty (20) feet; or where an illuminated electrical sign is no longer in proper working order. Removal, in the case of painted wall signs, shall mean a complete repainting of the background on which the sign was painted, or a sandblasting of the surface to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is any longer recognizable.

(d~~4~~) No sign shall be painted directly on or affixed to any tree, rock or utility pole.

(e~~5~~) Lots on which signs are located shall be kept neat, orderly and free of debris.

(f~~6~~) All signs with the display surfaces back-to-back and parallel shall have no more than an eight-foot distance between each surface. All signs with the display surfaces at an angle to one another shall have the angle no greater than thirty-five (35) degrees. Display surfaces shall face in opposite directions and shall be owned by the same permittee.

(g~~7~~) All signs which have their backs visible to public view shall have such backs painted in a neutral color compatible with the background against which they are set.

(h~~8~~) No swinging sign shall be erected~~,~~ freestanding, or shall be hung or attached to any building or structure.

(i~~9~~) No signs shall be located in, project into or overhang a public right-of-way, except those projecting business signs permitted in business and industrial districts that do not violate Minnesota Statutes, Section 160.27, and signs established by the City of Saint Paul, County of Ramsey, state or federal governments.

(j~~10~~) For parking lot areas, one identification sign not to exceed a total of fifteen (15) square feet in area is permitted per parking lot entrance. An identification sign up to twenty-five (25) square feet in area, however, may be permitted if such sign incorporates the following uniform parking symbol: fifty (50) percent of the total sign area of the parking identification sign must bear thereon a blue rectangle with a white letter "P" in Gothic type face with the letter "P" being not less than fifty (50) percent of the area of the blue rectangle. The remaining portion of the sign incorporating such a parking symbol may be used for other pertinent information. In addition to the one identification sign per parking lot entrance, however, one directional sign not to exceed a total of four (4) square feet is permitted per entrance or exit. Such directional signs may be up to ten (10) square feet in area if they also incorporate the above-prescribed parking symbol. These parking identification and directional signs are in addition to other signs permitted in each zoning district. No sign shall project higher than fifteen (15) feet above grade.

(k) ~~11)~~ Illuminated signs are permitted, except that flashing signs are prohibited.

(l~~12~~) Signs of the City of Saint Paul, County of Ramsey, state, and federal governments and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be permitted in all zoning districts.

(m) ~~13) Both sides~~ Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.

(n) ~~14)~~ Canopy signs that are parallel to the street shall be regulated as wall signs. Canopy signs that are perpendicular to the street shall be regulated as projecting signs.

(o) If a building will contain multiple uses, a comprehensive sign program and a uniform sign theme shall be established. Signs shall be designed with common or compatible sizes, shapes and materials.

(p) Signs attached to buildings shall be positioned so that they are an integral design feature of the building, and to complement and enhance the building's architectural features. Signs shall not obscure or destroy architectural details such as stone arches, glass transom panels, or decorative brickwork.

(Code 1956, § 66.201; Ord. No. 17536, §§ 7--10, 2-2-88; C.F. No. 93-1718, § 96, 12-14-93; C.F. No. 00-973, § 1, 11-15-00)

Sec. 64~~6.2~~402. Structural design and construction.

(a) *Building code.* Signs in all zoning districts shall conform to the structural design standards of the state building code.

(b) *Supports.* The supports for all signs except signs established by the City of Saint Paul, County of Ramsey, state or federal governments, and subdivisions and agencies thereof, shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this chapter.

(c) *Restrictions on combustible materials.* All signs and sign structures, except freestanding signs, shall have structural members of noncombustible materials.

Combination signs, roof signs, wall signs, projecting signs, canopy signs and signs on marquees shall be constructed of noncombustible materials, except as provided in this subdivision. No combustible materials other than approved plastics shall be used in the construction of electric signs.

(1) Nonstructural Trim: Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics or any combination thereof.

(2) Display Surfaces: Display surfaces in all types of signs may be made of wood, metal, plastics or approved materials.

Any section of approved plastics on wall signs shall not exceed a total of two hundred fifty (250) square feet in area.

Sec. 64.403. Clearance and obstruction. ~~(d) *Clearance and obstruction:*~~

(a~~1~~) Clearance from High Voltage Power Lines: No sign or part of a sign support structure may interfere with any electric light, power, telephone or telegraph wires or the supports thereof. All signs must be sufficiently clear of high voltage power lines so that signs can be safely erected and maintained. Signs shall be located not less than six (6) feet horizontally or twelve (12) feet vertically from overhead electrical conductors which are energized in

excess of seven hundred fifty (750) volts. The term "overhead conductors," as used in this section, means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

(b~~2~~) Obstruction of Openings: No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the state building code.

Signs erected within five (5) feet of an opening in an exterior wall in which there are openings within the wall shall be constructed of noncombustible material or approved plastics.

Sec. 64.404. Electric signs. ~~(1) *Electric signs:*~~

(a~~1~~) Code Requirements: All electric signs shall meet the requirements set forth in the National Electric Code and the state building code.

(b~~2~~) Face Retainers, etc.: All face retainers shall be of thickness design and construction as to properly support the plastic panels of the sign faces. Frames and retainers shall structurally be continuous around the entire panel or group of panels of the sign face, supporting such plastic panels independently. Panels larger than thirty-two (32) square feet must be either hinged or provided with another suitable access method.

(c~~3~~) Accessibility:

(1)~~a.~~ If doors for access are not locked they shall be fastened by means of screws, bolts, or similar means.

(2)~~b.~~ Ballasts, transformers, lamp, neon tubing, sockets and splices in wireways shall be made accessible in a manner approved by the state building code, through hinged faces or panels designed to slide or raintight doors, without the dismantling of the sign.

(3)~~c.~~ Whenever hinged faces are used, an approved mechanical method shall be provided to hold such face in an open locked position while servicing. All framing and molding for such faces shall be of adequate strength and durability to safely support such face when in either the open or closed position. Accessibility to the interior of the sign shall be made possible without requiring the removal of any of the sign supports after erection.

(4)~~d.~~ All framing and hinging shall be structurally designed and constructed to adequately support each panel or face when such face is used for access. Hinges shall be of nonferrous metal or rust-resistant type.

(d~~4~~) Ventilation: Plastic electric signs shall be vented with either screened or insect-proof louvered vents to prevent the entrance of insects and moisture. The vents shall be placed at the top and bottom of the vertical portions of the exterior sign, and arranged to provide adequate circulation of air over the ballasts. (Exception: Single-faced signs may have the vents located on the back of the sign where the structural design is such that venting on the end is difficult. In such cases, however, these vents shall be located to provide adequate circulation of air over the ballasts and signs vented on the back shall be held a minimum of one-half inch from the surface on which they are erected.)

(e~~5~~) Conductors: Electrical conductors, such as nonmetallic sheathed cable, BX, rubber cords and armoured cable, shall not be used for signs permanently wired. Conductors with a heat- and moisture-resistant quality of not less than ninety (90) degrees Centigrade, such as AWM type, shall be permitted for secondary connections to ballasts. All primary conductors, except those that are part of the ballast, connecting to and becoming part of a branch circuit shall be of the general purpose type and shall have a minimum moisture- and heat-resistant quality of seventy-five (75) degrees Centigrade, such as a RHW, THWN.

(f~~6~~) Wireway: Wireways shall be kept at least one-half inch from the bottom of a sign, except where the sign spreader is incorporated as a part of the wireway, in which case a method approved by the state building code shall be provided to keep all conductors, ballasts and transformers at least one-half inch from the bottom of the wireway. All conductors shall be protected from sharp edges of sheet metal enclosures. Wire gutters shall be assembled and jointed together in an approved manner. Where one gutter is joined to another creating one continuous wireway, the adjoining ends shall be rounded and connected together in an approved manner. Approved bushings shall be used where conductors pass through a sheet metal divider. Covers of the wireway shall be "broken" over the upper sides or tops of the wire gutters so as to prevent the entrance of moisture. All screws for such covers shall be accessible from the open face or access doors of the sign.

(g7) Ballast:

(1)~~a.~~ Ballasts or transformers shall be of the outdoor type and shall be mounted in such a manner as to be held rigid and at least one-half inch or more from the bottom of the sign or wireway. No ballasts shall be enclosed more than one half its height into a wireway. Adequate metal supports for ballasts shall be provided to ensure proper heat dissipation.

(2)~~b.~~ Ballasts, transformers, sockets, lamp-holders and any other electrical equipment where there is a possibility of an excessive rise above their rated temperature shall be kept a minimum of two (2) inches from all plastics.

(3)~~c.~~ Fluorescent lamps placed in a vertical position shall be provided with a moisture deflection washer at the lower lamp socket.

(h~~8~~) Face limitation:

(1)~~a.~~ Single-faced flat wall signs. Unless the plastic faces are hinged, access to the interior of the sign shall be provided for in a manner without dismantling any major portion of the sign as stated above. Where the plastic panel removal is required for access, no panel to be removed shall be more than thirty-two (32) square feet in area. Moulding shall be of such lengths as to provide for the removal of each panel independently.

(2)~~b.~~ Double-faced and extended signs. Where the access to the interior of the sign is required through the face, such face shall be hinged or designed to slide as stated above, for panels that exceed thirty-two (32) square feet in area. All moulding and retainers for sign faces shall be constructed so as to be structurally able to properly support each plastic panel as provided above.

Secs. 64.405 - 64.410. Reserved.

Sec. 64.411. Freestanding signs. ~~(e) *Freestanding signs:*~~

(a~~1~~) Revolving freestanding signs are permitted but may not be illuminated with ~~the~~ flashing lights or exceed six (6) revolutions per minute.

(b~~2~~) When specifically permitted in a zoning district, a freestanding sign may extend into a public right-of-way up to four (4) feet, but in no case may come closer than two (2) feet from the curbline and ten (10) feet above the ground level, and provided such sign does not violate Minnesota Statutes, Section 160.27.

Sec. 64.412. Projecting signs. ~~(f) *Projecting signs:*~~

(a~~1~~) Projecting signs shall be supported in a stationary position by a cantilevered structure without the use of any guy wires, cables, angle irons or turnbuckles.

(b~~2~~) When specifically permitted in a zoning district, signs projecting over a public right-of-way may project up to four (4) feet from the property line, but in no case may come closer than two (2) feet from the curbline and ten (10) feet above ground level, and provided such signs do not violate Minnesota Statutes, Section 160.27.

Sec. 64.413. Reserved. ~~(g) *Reserved.*~~

Sec. 64.414. Roof signs. ~~(h) *Roof signs:*~~

(a~~1~~) The supporting members of a roof sign shall appear to be free of any extra bracing as angle irons, guy wires or cables, so as to be an architectural and integral part of the building. Supporting columns of round square or shaped steel members may be erected if required bracing visible to the public is minimized or covered.

(b~~2~~) Roof signs shall be thoroughly secured and anchored to the frame of the building over which they are constructed and erected. Before any permit is granted for the erection of a roof sign greater in area than fifty (50) square feet, the plans and details of the supporting structure of the new framework, in addition to the structural details and calculations of the existing supporting building roof system, shall be filed for review by the zoning administrator. These plans and details shall be certified by a registered professional engineer.

(c~~3~~) Clearance and access. Passage clear of all obstructions shall be left under or around, and immediately adjacent to, all signs exceeding a height of four (4) feet above the roof. Such passages shall be not less than three (3) feet wide and four (4) feet high.

Sec. 64.415. Wall signs. ~~(i) *Wall signs:*~~

Wall signs that are business signs may project into a public right-of-way or beyond a legal setback line up to ~~eighteen (18)~~ twelve (12) inches, provided such signs do not violate Minnesota Statutes, Section 160.27.

Sec. 64.416. Reserved.

Sec. 64.417. Combination signs. ~~(j) *Combination signs.*~~

In the case of combination signs which are composed of any combination of roof, projecting or freestanding signs, the individual requirements as set out in this section for roof, projecting or freestanding signs shall apply. If there are conflicts between provisions, the more stringent shall apply.

Sec. 64.418. Marquees. ~~(k) *Marquees.*~~

Signs may be placed on, attached to or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in Chapter 45 of the state building code. No such sign shall project above or beyond the physical dimensions of the marquee, except that one sign less than four (4) square feet in size may be attached underneath for each entrance located under the marquee, provided the sign does not project lower than eight (8) feet above the sidewalk.

Sec. 64.419. Temporary signs. ~~(m) *Temporary signs:*~~

(a~~1~~) Dimensions: No temporary sign shall exceed a total of one hundred (100) feet in area or six (6) feet in height except as otherwise provided herein.

(b~~2~~) Clearance: Temporary signs, other than cloth, eight (8) feet or more above the ground, may project not more than six (6) inches over public property.

(c~~3~~) Cloth Signs and Banners:

(1)~~a.~~ It is unlawful for any person, firm or corporation to suspend or project any cloth or banner sign of any type whatever over a street, alley or other public property for the purpose of business advertisement.

(2)~~b.~~ Temporary permission shall be allowed for a cloth or banner sign three (3) nonconsecutive times per calendar year for a period of not more than ninety (90) days per time.

(3)~~c.~~ No cloth or banner sign shall exceed a total of one hundred twenty (120) square feet in area, and there shall be no more than one such sign for any twenty (20) feet of frontage of any building fronting on public property.

(4)~~d.~~ Support. Temporary cloth and banner signs shall be supported and attached with wire rope or equivalent with a minimum diameter of three-eighths inch. No strings, fiber ropes or wood slats shall be permitted for support or anchorage purposes. Cloth signs and panels shall be perforated over at least ten (10) percent of the area to reduce wind resistance.

Signs that span a public roadway cannot be attached to city light poles or traffic signal poles. Written permission to attach a banner to a building must be obtained from the building owner. The city forester must approve a banner before it may be attached to any tree on public property.

Exception: Temporary signs over private property not exceeding sixty (60) square feet shall be supported and attached with wire rope and shall meet the requirements of paragraph (2~~b~~) through (4~~d~~) and (6~~f~~) of this section.

(5)~~e.~~ Projection. Cloth signs and banners may extend over public property and shall maintain a minimum clearance of twenty (20) feet, provided permission has been granted by the zoning administrator.

(6)~~f.~~ No permit or permit fee shall required for such cloth signs or banners, but all safety requirements of this code shall be in force; provided, further, that approval as to the sign's location, size, design and hanging must be obtained from the zoning administrator.

(d~~4~~) Portable Signs: No portable sign shall be placed or installed without a permit. No person engaging in or seeking to engage in the business of placing or installing portable signs shall operate without a license issued in accordance with section 6~~4~~6.202~~403~~.

(Code 1956, § 66.202; Ord. No. 17204, 1-15-85; Ord. No. 17536, §§ 11--13, 2-2-88; C.F. No. 93-1718, §§ 97--101, 12-14-93)

Sec. 6~~4~~6.~~21~~420. Advertising signs.

(a) *Advertising signs prohibited.* No advertising signs are permitted in any zoning district in the city. The purposes of this prohibition are to enhance views of the natural and built environments of the city, to improve aesthetically the fusion of residential and commercial areas, to promote community pride on the part of property owners, to encourage beautification and investment in the city, to protect property values, and to reduce cluttered and chaotic signage, which draws attention away from the identification signs of businesses and institutions located in the city.

(b) *Professional sports facility.* At a professional sports facility with permanent seating for more than ten thousand (10,000) spectators and located in a B4-B5 Business or IR-I2 Industrial zone, one (1) or two (2) advertising signs are permitted as an accessory use subject to the following standards:

(1) Advertising signs shall face and be designed to be read by traffic on arterial streets as designated in the comprehensive plan. A facility fronting on one (1) arterial street is permitted to have one (1) advertising sign; a facility fronting on two (2) or more arterial streets is permitted to have two (2) advertising signs.

(2) No advertising sign shall be located within three hundred (300) feet of a residential zoning district, house of worship, or school offering general education courses at the elementary, junior high or high school level.

(3) No advertising sign shall exceed seven hundred (700) square feet in size.

(4) Advertising signs shall be attached to exterior walls of the sports facility structure and shall not project above the wall.

(5) If the zoning administrator determines that the sign lighting affects neighboring properties, advertising signs shall not be illuminated overnight, either from midnight or from one (1) hour after the end of any professional sports game, whichever is later, until 6:00 a.m.

(6) For electronic message boards, the modes of display of messages shall conform to the requirements of section 64.504((a)(5)(c). Flashing modes are not permitted.

(Code 1956, § 66.214; Ord. No. 17536, § 28, 2-2-88; C.F. No. 93-1718, § 108, 12-14-93; C.F. No. 97-1089, § 10, 10-1-97; C.F. No. 00-686, § 2, 8-23-00; C.F. No. 00-973, § 1, 11-15-00)

~~Sec. 66.215. Reserved.~~

~~**Editor's note--**Section 66.215, pertaining to signs in heritage preservation districts, and derived from Code 1956, § 66.215, was repealed by § 29 of Ord. No. 17536, adopted Feb. 2, 1988.~~

ARTICLE V. 64.500. SPECIFIC REGULATIONS BY ZONING DISTRICTS

Sec. 64~~6.2~~501~~3~~. Regulations by zoning districts.

The class, size and location of signs shall be only as permitted and regulated in the zoning districts authorized or permitted in this chapter.

(Code 1956, § 66.203)

Sec. 64~~6.2~~502~~4~~. R~~-1~~L through RM~~-~~3 Residential Districts.

(a) *Identification signs:*

(1) For one- and two-family structures and bed and breakfast residences, one identification sign not exceeding a total of two (2) square feet in area.

(2) For multiple-family structures on parcels twenty-five thousand (25,000) square feet or smaller, one (1) identification sign for each street frontage is allowed. No sign shall exceed six (6) square feet in size. For multiple-family structures on parcels larger than twenty-five thousand (25,000) square feet, one (1) or two (2) identification sign(s) on each street frontage is/are allowed. The total amount of signage on each frontage shall not exceed twenty-four (24) square feet in size.

(3) For structures other than residential uses, one identification sign for each street frontage not exceeding a total of thirty (30) square feet in area.

(4) For parks, community centers, and religious, civic or philanthropic institutions, one identification sign, not exceeding a total of thirty (30) square feet in area for each street frontage, and one bulletin board not exceeding a total of thirty (30) square feet in area. Such bulletin board signs may have electronically changeable text, but shall not fade in and out, scroll, or flash.

(5) No sign shall project higher than thirty (30) feet above grade.

(6) If located within a required yard, a freestanding sign may not exceed four (4) feet in height plus two (2) inches for each foot set back from the property line.

(b) *Temporary signs:*

(1) For new subdivisions or new multiple-family developments, one real estate development sign not exceeding a total of fifty (50) square feet in area within the subdivision or on the multiple-family lot, per three hundred (300) feet or less of lot frontage. No such sign shall be located in any required yard.

(2) For all uses, one real estate sign not exceeding a total of six (6) square feet in area.

(3) For all uses, one sign not exceeding a total of fifty (50) square feet in area identifying an engineer, architect or contractor engaged in, or product used in, the construction of a building.

(4) For parks, community centers, and religious, educational, civic or philanthropic institutions, portable signs and temporary signs are permitted for special events under the following conditions:

a. Portable signs:

1. On zoning lots with a street frontage of three hundred thirty (330) feet or less, the gross surface display area of the signs shall not exceed one hundred (100) square feet. On zoning lots with a street frontage of over three hundred thirty (330) feet, the gross surface display area of the signs shall not exceed three hundred (300) square feet;

2. The signs shall be permitted two (2) nonconsecutive times per calendar year for a period of not more than fourteen (14) days per time;

3. The signs shall not be flashing signs or located in a required yard, required off-street parking space or maneuvering area, or public right-of-way.

b. Temporary signs.

1. The gross surface display area of the signs shall not exceed one hundred (100) square feet;

2. The signs shall be permitted three (3) nonconsecutive times per calendar year for periods of not more than ~~ninety (90)~~ thirty (30) days per time;

3. The signs shall not be flashing signs or located in a required off-street parking space or maneuvering area, or public right-of-way.

(5) No sign shall project higher than thirty (30) feet above grade.

(Code 1956, § 66.204; Ord. No. 17393, § 6, 9-4-86; Ord. No. 17536, §§ 14, 15, 2-2-88; Ord. No. 17889, § 21, 11-21-91; C.F. No. 93-1718, § 102, 12-14-93; C.F. No. 99-750, § 14, 9-1-99)

Sec. 6~~46.2~~50~~35~~. TN1-TN3 Traditional Neighborhood and OS~~-1 and~~-B-1 Business Districts.

(a) *Business signs:*

(1) The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed one times the lineal feet of lot frontage, or seventy-five (75) square feet, whichever is greater.

(2) No business sign shall be located in a required yard except for one freestanding sign. Freestanding signs may project into the public right-of-way up to eighteen (18) inches.

(3) No sign shall project higher than thirty-seven and one-half (37 ½) feet above grade, except wall signs and freestanding signs on zoning lots abutting principal and intermediate arterials. Wall signs may project to the height allowed by the height restriction in the zoning code. On zoning lots which abut a principal or intermediate arterial, one freestanding sign may project to thirty-seven and one-half (37 ½) feet above the surface of the arterial.

(4) Sign materials shall be compatible with the original construction materials and architectural style of the building facade on or near which they are placed. Natural materials such as wood and metal are generally more appropriate than plastic.

(5) Illumination of signs shall conform to the provisions of section 63.116, Exterior lighting, and shall not exceed one (1) footcandle four (4) feet from the sign. Signs should have light letters on a dark background; indirect and subdued lighting is preferred; and except for neon, internally lit electric signs are discouraged.

(b) *Temporary signs:*

(1) For new developments, one real estate development sign not exceeding a total of fifty (50) square feet in area on the lot of the new development, per three hundred (300) feet or less of lot frontage of the development. Such sign shall not be located within any required yard.

(2) For all uses, one real estate sign not exceeding a total of six (6) square feet in area.

(3) For all uses, one sign not exceeding a total of four (4) square feet in area identifying an engineer, architect or contractor engaged in, or product used in, the construction of a building.

(4) Temporary signs shall be permitted as follows:

a. Banners, pennants and stringers.

b. Freestanding and wall signs, the total area not to exceed thirty-two (32) square feet.

c. Such signs shall be permitted three (3) nonconsecutive times per calendar year for a period of not more than ~~ninety (90)~~ thirty (30) days per time.

(5) Temporary signs, concerning a commodity, service or entertainment conducted, offered, sold or manufactured on the premises, placed inside of the window of a building are permitted.

(c) *Portable Signs.* Portable signs are permitted under the following conditions:

(1) On zoning lots with a street frontage of three hundred thirty (330) feet or less, the gross surface display area of the signs shall not exceed thirty-six (36) square feet. On zoning lots with a street frontage of over three hundred thirty (330) feet, the gross surface display area of the signs shall not exceed three hundred (300) square feet;

(2) The signs shall be permitted on a zoning lot four (4) nonconsecutive times per calendar year and for a period of not more than fourteen (14) days per time;

(3) The signs shall not be flashing signs or located in a required yard, required off-street parking space or maneuvering area, or public right-of-way.

(Code 1956, § 66.205; Ord. No. 17204, 1-15-85; Ord. No. 17536, §§ 16--18, 2-2-88; C.F. No. 93-1718, § 103, 12-14-93)

Sec. 64~~6.2~~504~~6~~. ~~OS-2, B-2C, B-2 and~~ B-3 Business and IR Industrial Districts.

(a) *Business signs:*

(1) The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed two (2) times the lineal feet of lot frontage or seventy-five (75) square feet, whichever is greater.

(2) Only one (1) freestanding sign per lot is permitted in a required yard. A freestanding sign projecting into a public right-of-way beyond eighteen (18) inches may not exceed fifteen (15) square feet in display area.

(3) One (1) projecting sign per entrance on a street frontage is permitted. Any sign which projects into a public right-of-way beyond eighteen (18) inches shall not exceed twenty-five (25) square feet in display area.

(4) The height of signs shall be subject to the conditions specified in ~~the OS-1 and B-1 districts,~~ section 64~~6.20~~503(a)(3).

(5) Electronic message signs shall be prohibited from the ~~OS-2,~~ BC-B2 ~~and B-2C~~ districts; provided, that electronic message signs giving public information, such as time, temperature, stock averages and the like, are permitted in ~~OS-2 and~~ the B-2 district~~s~~. Electronic message signs are permitted in the districts under the following conditions:

a. The signs shall be six hundred sixty (660) feet from other electronic message signs on the same side of the same street;

b. The signs shall be at least seventy-five (75) feet, as measured along the road, of a residential district, and shall be at least fifty (50) feet from a residential district, measured radially; and

c. The following modes of displaying the message shall be permitted:

1. The fade-in/fade-out mode where the message appears on the sign, dissolves and another message takes its place;

2. The travel mode where the message moves across the sign from left to right or right to left; and

3. The travel mode where the message moves from top to bottom or bottom to top.

Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.

(b) *Temporary signs:*

(1) For new developments, one (1) real estate development sign not exceeding a total of one hundred (100) square feet in area on the lot of the new development. Such signs shall not be located within any required yard.

(2) For all uses, real estate signs not exceeding at total of twelve (12) square feet in area.

(3) For all uses, one (1) sign not exceeding a total of one hundred (100) square feet in area identifying an engineer, architect or contractor engaged in, or product used in, the construction of a building.

(4) Temporary signs shall be permitted as follows:

a. Banners, pennants and stringers.

b. Freestanding and wall signs, the total area not to exceed a total of thirty-two (32) square feet.

c. Such signs shall be permitted three (3) nonconsecutive times per calendar year for a period of not more than ~~ninety (90)~~ thirty (30) days per time. [As in §64.405.]

(5) Temporary signs, concerning a commodity, service or entertainment conducted, offered, sold or manufactured on the premises, placed inside of the window of a building are permitted.

(6) No sign shall project higher than thirty-seven and one-half (37 ½) feet above grade.

(c) *Portable signs.* Portable signs are permitted and subject to the conditions specified in ~~the OS-1 and B-1 districts,~~ section 6~~46.20~~503(c).

(Code 1956, § 66.206; Ord. No. 17062, 10-20-83; Ord. No. 17204, 1-15-85; Ord. No. 17536, §§ 19--22, 2-2-88; C.F. No. 93-1718, § 104, 12-14-93; C.F. No. 00-972, 11-8-00)

Sec. 6~~46.2~~505~~7~~. B=4-B5 Business Districts .

(a) *Business signs:*

(1) The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed four (4) times the lineal feet of lot frontage of a lot.

(2) One (1) projecting sign per entrance on a street frontage is permitted. Any sign which projects into a public right-of-way beyond eighteen (18) inches shall not exceed twenty five (25) square feet in display area. ~~Signs shall be permitted to project a maximum of twelve (12) inches over public sidewalks and rights-of-way from the building line.~~

(3) The height of signs shall be subject to the conditions specified in ~~the OS-1 and B-1 districts,~~ section 6~~46.20~~503(a)(3).

(4) Electronic message signs are permitted and subject to the conditions specified in the B-2 and B-3 districts, section 6~~46.206~~504(a)(5).

(b) *Temporary signs.* Temporary signs shall be permitted as required in ~~the B-2 and B-3 districts,~~ section 6~~46.206~~504(b).

(c) *Portable signs.* Portable signs are permitted and subject to the conditions specified in ~~the OS-1 and B-1 districts,~~ section 6~~46.20~~503(c).

(Code 1956, § 66.207; Ord. No. 17536, § 23, 2-2-88)

~~**Sec. 66.208. B-5 Business District.**~~

~~(a) *Business signs:*~~

~~(1) The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed four (4) times the lineal feet of lot frontage of a lot.~~

~~(2) Signs shall be permitted to project a maximum of twelve (12) inches over public sidewalks and rights-of-way from the building line.~~

~~(3) The height of signs shall be subject to the conditions specified in the OS-1 and B-1 districts, section 66.205(a)(3).~~

~~(4) Electronic message signs are permitted and subject to the conditions specified in the B-2 and B-3 districts, section 66.206(a)(5).~~

~~(b) *Temporary signs.* Temporary signs shall be permitted as required in the B-2 and B-3 districts, section 66.206(b).~~

~~(c) *Portable signs.* Portable signs are permitted and subject to the conditions specified in the OS-1 and B-1 districts, section 66.205(c).~~

~~(Code 1956, § 66.208; Ord. No. 17536, § 24, 2-2-88)~~ [B4 and B5 sign regs. are combined in §64.407 above.]

Sec. 6~~46.2~~506~~9~~. I=1-I3 Industrial ~~I~~ Districts .

(a) *Business signs:*

(1) The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed two (2) times the lineal feet of lot frontage ~~of a lot~~ in the I1 district, three (3) times the lineal feet of lot frontage in the I2 district, and one (1) times the lineal feet of lot frontage in the I3 district .

(2) No business sign shall be located in a required yard except one (1) freestanding sign. A freestanding sign projecting into a public right-of-way beyond eighteen (18) inches may not exceed fifteen (15) square feet in display area.

(3) One (1) projecting sign per entrance on a street frontage is permitted. Any such sign projecting into a public right-of-way beyond eighteen (18) inches may not exceed fifteen (15) square feet in display area.

(4) The height~~s~~ of signs ~~are permitted~~ shall be subject to the conditions specified in ~~the OS-1 and B-1 districts,~~ section 6~~46.20~~503(a)(3).

(5) Electronic message signs are permitted and subject to the conditions specified in the B-2 and B-3 districts, section 646.206504(a)(5).

(b) *Temporary signs.* Temporary signs shall be permitted as regulated in ~~the B-2 and B-3 districts,~~ section 646.206504(b).

(c) *Portable signs.* Portable signs are permitted and subject to the conditions specified in ~~the OS-1 and B-1 districts,~~ section 646.20503(c).

(Code 1956, § 66.209; Ord. No. 17536, § 25, 2-2-88; C.F. No. 93-1718, § 105, 12-14-93)

~~**Sec. 66.210. I-2 Industrial 2 District.**~~

~~(a) *Business signs:*~~

~~(1) The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed three (3) times the lineal feet of lot frontage of a lot.~~

~~(2) No business sign shall be located within any required yard except one (1) freestanding sign. A freestanding sign projecting into a public right-of-way beyond eighteen (18) inches may not exceed a total of fifteen (15) square feet in display area.~~

~~(3) One (1) projecting sign per entrance on a street frontage is permitted. That part of a sign projecting into a public right-of-way beyond eighteen (18) inches may not exceed a total of fifteen (15) square feet in display area.~~

~~(4) The height of signs are permitted subject to the conditions specified in the OS-1 and B-1 districts, section 66.205(a)(3).~~

~~(5) Electronic message signs are permitted and subject to the conditions specified in the B-2 and B-3 districts, section 66.206(a)(5).~~

~~(b) *Temporary signs.* Temporary signs shall be permitted as regulated in the B-2 and B-3 districts, section 66.206(b).~~

~~(c) *Portable signs.* Portable signs are permitted and subject to the conditions specified in the OS-1 and B-1 districts, section 66.205(c).~~

~~(Code 1956, § 66.210; Ord. No. 17536, § 26, 2-2-88; C.F. No. 93-1718, § 106, 12-14-93)~~

~~**Sec. 66.211. I-3 Industrial 3 District.**~~

~~(a) *Business signs.*~~

~~(1) The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed one (1) times the lineal feet of lot frontage of a lot.~~

~~(2) No business sign shall be located within any required yard except one (1) freestanding sign. A freestanding sign projecting into a public right-of-way beyond eighteen (18) inches may not exceed fifteen (15) square feet in display area.~~

~~(3) One (1) projecting sign per entrance on a street frontage is permitted. That part of a sign projecting into a public right-of-way beyond eighteen (18) inches may not exceed fifteen (15) square feet in display area.~~

~~(4) The height of signs are permitted subject to the conditions specified in the OS-1 and B-1 districts, section 66.205(a)(3).~~

~~(5) Electronic message signs are permitted and subject to the conditions specified in the B-2 and B-3 districts, section 66.206(a)(5).~~

~~(b) *Temporary signs.* Temporary signs shall be permitted as regulated in the B-2 and B-3 districts, section 66.206(b).~~

~~(c) *Portable signs.* Portable signs are permitted and subject to the conditions specified in the OS-1 and B-1 districts, section 66.205(c).~~

~~(Code 1956, § 66.211; Ord. No. 17536, § 27, 2-2-88; C.F. No. 93-1718, § 107, 12-14-93)~~

Sec. 646.507~~212~~. VP~~-1~~ Vehicular Parking District.

No sign, except those permitted on parking lots as described in section 646.~~2~~401(j~~10~~) shall be permitted.

(Code 1956, § 66.212)

Sec. 646.508~~213~~. PD Planned Development District.

Signs shall be as permitted and regulated in each planned development in accordance with the provisions of sections 66~~0~~.~~73~~800 to 66~~0~~.~~73~~807, provided such regulations are consistent with the intent of this chapter.

(Code 1956, § 66.213)

~~**Sec. 66.2131. RCR-1, RCC-1, and RCI-1 districts.**~~

~~In the RCR-1 district signs are permitted as regulated in section 66.204, R-1 through RM-3 Residential Districts. In the RCC-1 and RCI-1 districts signs are permitted as regulated in section 66.206, B-2 Business District, except that advertising signs shall be prohibited.~~

~~(Ord. No. 17511, § 5, 11-12-87)~~

ARTICLE V. 64.600. SPECIAL SIGN DISTRICTS

Sec. 646.601~~216~~. Special district sign plan.

(a) A comprehensive sign plan may be provided for business or industrial premises which are not part of a new planned development district as provided in section 646.508~~213~~ above, but which occupy the entire frontage on two (2) or more adjacent block fronts. The intent behind this provision is to allow and even encourage entertainment centers, shopping centers, historic districts and other comprehensive developments to build upon unique characteristics of certain sections of the city so long as the visual landscape created by the plan is in keeping with the general intent of this chapter. Such a plan shall be submitted to the planning commission and shall include the location, size, height, color, lighting orientation, overall design justification, and other information which may be reasonably required for the proper consideration of the matter.

(b) Except for advertising signs for which the restrictions of this chapter shall not be weakened, less restrictive as well as more restrictive provisions than specified in this chapter may be permitted if the sign areas and densities for the plan as a whole are in conformity with the intent of this chapter and if such exception results in an improved relationship between the various parts of the plan.

(c) Application shall be made to the city council for consideration under this provision. Approval may be granted by city council resolution, after review and recommendation is made by the planning commission, and only after a public hearing before the planning commission and the city council.

(Code 1956, § 66.216; C.F. No. 00-973, § 1, 11-15-00)

Sec. 646.610~~2169.4~~. Sunray-Battlecreek-Highwood, District One Community Council Special District Sign Plan.

(a) *Intent and purpose.* The Sunray-Battlecreek-Highwood, District One Community Council Special Sign District Plan, created as provided in section 646.~~216~~01 ~~of the zoning code~~, in order to provide sign controls in the Sunray-Battlecreek-Highwood, District One Community Council neighborhood, is intended to protect property values, to maintain and enhance the visibility of unique architectural and natural features, and to encourage investment and beautification in residential and commercial areas by reducing the visual clutter of advertising signs which impair the effectiveness of neighborhood business and institutional signs and otherwise detract from the appearance, perception and safety of Sunray-Battlecreek-Highwood, District One Community Council neighborhoods and commercial districts.

(b) *Area description.* The Sunray-Battlecreek-Highwood, District One Community Council Special Sign District Plan shall apply to the area described as follows: Minnehaha Avenue on the north, McKnight Road on the east and the city-county line on the south. The western boundary follows this line from north to south Birmingham Avenue South to East 6th Street, East 3rd Street west to Bloomington Avenue, Birmingham Avenue south to Interstate 94, Interstate 94 west to Highway 61, Highway 61 south to Warner Road, Warner Road west to Mississippi River, Mississippi River south to the city-county line, all in the city.

(c) *Interpretation and definitions.* The provisions of this sign plan are supplementary to the provisions of ~~the zoning code, c~~Chapter 646, ~~entitled "~~Signs.~~"~~ Provisions of this sign plan that are more restrictive than the provisions of ~~c~~Chapter 646 shall prevail and supersede provisions in ~~c~~Chapter 646. All other provisions of ~~c~~Chapter 646~~ of the zoning code~~ shall continue to apply to signs in the Sunray-Battlecreek-Highwood, District One Community Council Special Sign District. All words and terms shall be defined as in this sign plan and in ~~c~~Chapter 646~~ of the zoning code~~.

(d) *General sign restrictions.* Signs within the Sunray-Battlecreek-Highwood, District One Community Council Special Sign District shall be subject to the following restrictions:

(1) No advertising signs shall be permitted, except signs on transit shelters and courtesy benches licensed or franchised by the city;

(2) Roof signs which advertise a product, service or entertainment which is offered, sold or manufactured on the premises shall not be permitted, but a roof sign may identify the name, logo, and nature of the business carried on in the premises.

(3) Business signs are not affected by this sign plan.

(e) *Nonconforming signs.* Regulation of nonconforming signs within the Sunray-Battlecreek-Highwood, District One Community Council Special Sign District which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64~~6~~.300 pertaining to nonconforming signs, subject to the following additional requirements:

(1) No nonconforming sign shall be:

a. Altered or enlarged in any way; or

b. Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or

c. Relocated to any other location in the Sunray-Battlecreek-Highwood, District One Community Council Special Sign District; or

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or

e. Maintained through replacement of structural elements.

(2) A nonconforming sign shall be immediately removed from the Sunray-Battlecreek-Highwood, District One Community Council Special Sign District at the cost of the owner if:

a. It is an imminent danger to life or property; or

b. It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

c. Use of the sign has been discontinued for a period of three (3) consecutive months.

(g) *Sign permits; administration.* Whenever a permit for a sign in the Sunray-Battlecreek-Highwood, District One Community Council Special Sign District is required under the provisions of ~~the Saint Paul Legislative Code, c~~Chapter 64~~6~~, a permit shall not be issued unless the plans for the sign have been approved by the zoning administrator in conformance with this sign plan. All building permit applications for signs in the Sunray-Battlecreek-Highwood, District One Community Council Special Sign District shall be submitted to the zoning administrator for review and approval. A fee to cover the costs of the review shall be established by resolution of the city council. All applications submitted for zoning administrator approval shall be of sufficient detail to demonstrate that the proposed sign complies with the provisions of this sign plan. The zoning administrator shall review the application within thirty (30) days and notify the applicant of any decision to approve or disapprove the application. Written reasons, prepared by the zoning administrator, shall accompany all application decisions.

(C.F. No. 00-1015, § 1, 12-27-00)

~~**Editor's note** - C.F. No. 00-1015, § 1, adopted December 27, 2000, amended the Code by adding a new § 66.2169. In order to prevent duplication of section numbers, the provisions have been renumbered as § 66.2169.4 at the discretion of the editor.~~

Sec. 64~~6~~.620~~2169.5~~. Greater Eastside Area Special District Sign Plan.

(a) *Intent and purpose.* The Greater Eastside Area Special Sign District Plan, created as provided in section 64~~6~~.~~21~~601 ~~of the zoning code~~, in order to provide sign controls within the Greater Eastside Area neighborhood, is intended to protect property values, to maintain and enhance the visibility of unique architectural and natural features, and to encourage investment and beautification in residential and commercial areas by reducing the visual clutter of advertising signs which impair the effectiveness of neighborhood business and institutional signs and otherwise detract from the appearance, perception and safety of Greater Eastside Area neighborhoods and commercial districts.

(b) *Area description.* The Greater Eastside Area Special Sign District Plan shall consist of the following four (4) areas:

(1) *White Bear Avenue Subarea:* The entire length of White Bear Avenue beginning on the south at its junction with Interstate 94 and proceeding north along the avenue to its junction with Larpenteur Avenue. The width of this subarea shall extend one-half block on either side of the avenue.

(2) *Payne Avenue Subarea:* The entire length of Payne Avenue beginning on the south at its junction with East Seventh Street and proceeding north along the avenue to its junction with Wheelock Parkway. The width of this subarea shall extend one-half block on either side of the avenue.

(3) *Phalen Boulevard/Phalen Village:* This subarea shall consist of that area defined in the Phalen Village Small Area Plan as the Phalen Boulevard/Phalen Village as adopted by the city in 1994 and the planned road known as Phalen Blvd. from I-35E on the west to Maryland Avenue on the east. The width of the subarea shall extend six hundred sixty (660) feet on either side of the right of way.

(4) *Arcade Street Subarea:* The entire length of Arcade Street beginning on the south at its junction with East Seventh Street and proceeding north along the avenue to its junction with Larpenteur Avenue. The width of this subarea shall extend one-half block on either side of the avenue.

(c) *Interpretation and definitions.* The provisions of this sign plan are supplementary to the provisions of ~~the zoning code, c~~Chapter 64~~6~~, ~~entitled "~~Signs.~~"~~ Provisions of this sign plan that are more restrictive than the provisions of ~~c~~Chapter 64~~6~~ shall prevail and supersede provisions in ~~c~~Chapter 64~~6~~. All other provisions of ~~c~~Chapter 64~~6 of the zoning code~~ shall continue to apply to signs in the Greater Eastside Area Special Sign District. All words and terms shall be defined as in this sign plan and in ~~c~~Chapter 64~~6 of the zoning code~~.

(d) *General sign restrictions.* Signs within the Greater Eastside Area Special Sign District shall be subject to the following restrictions:

(1) No advertising signs shall be permitted, except signs on transit shelters and courtesy benches licensed or franchised by the city;

(2) Roof signs which advertise a product, service or entertainment which is offered, sold or manufactured on the premises shall not be permitted, but a roof sign may identify the name, logo, and nature of the business carried on in the premises.

(3) Business signs are not affected by this sign plan.

(e) *Nonconforming signs.* Regulation of nonconforming signs within the Greater Eastside Area Special Sign District which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64~~6~~.300 pertaining to nonconforming signs, subject to the following additional requirements:

(1) No nonconforming sign shall be:

a. Altered or enlarged in any way; or

b. Replaced by another non-conforming sign, though a change in the message will not be deemed to be a replacement; or

c. Relocated to any other location in the Greater Eastside Area Special Sign District; or

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or

e. Maintained through replacement of structural elements.

(2) A nonconforming sign shall be immediately removed from the Greater Eastside Area Special Sign District at the cost of the owner if:

a. It is an imminent danger to life or property; or

b. It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

c. Use of the sign has been discontinued for a period of three (3) consecutive months.

(g) *Sign permits; administration.* Whenever a permit for a sign in the Greater Eastside Area Special Sign District is required under the provisions of ~~the Saint Paul Legislative Code c~~Chapter 64~~6~~, a permit shall not be issued unless the plans for the sign have been approved by the zoning administrator in conformance with this sign plan. All building permit applications for signs in the Greater Eastside Area Special Sign District shall be submitted to the zoning administrator for review and approval. A fee to cover the costs of the review shall be established by resolution of the city council. All applications submitted for zoning administrator approval shall be of sufficient detail to demonstrate that the proposed sign complies with the provisions of this sign plan. The zoning administrator shall review the application within thirty (30) days and notify the applicant of any decision to approve or

disapprove the application. Written reasons, prepared by the zoning administrator, shall accompany all application decisions.

(C.F. No. 00-1042, § 1, 1-3-01)

Sec. 646.625~~217~~. White Bear Avenue Special District Sign Plan.

(a) *Intent and purpose.* The White Bear Avenue Special District Sign Plan, as provided in section 646.~~21~~601 ~~of the zoning code~~, is intended to provide sign controls for the White Bear Avenue corridor. These controls will enhance the unique character and identity of White Bear Avenue, reduce sign clutter, and provide strong, clear identification of businesses. They recognize the need of businesses to be visible to the high volume of traffic that uses White Bear Avenue. The sign plan provides a unified framework for the sign systems of the various commercial nodes (e.g. Minnehaha, 7th Street, Hillcrest, etc.), which will fit the architecture of the buildings, clearly identify businesses, and enhance the image of the business districts and foster pride in the adjacent neighborhoods.

(b) *Area description.* The area covered by this plan includes commercial property along White Bear Avenue from Larpenteur to I-94. The area generally extends one-half block east and west of White Bear Avenue, but extends as needed to encompass commercial nodes.

(c) *Interpretation and definitions.* The provisions of this special district sign plan are supplementary to the provisions of Chapter 646, Signs~~, of the zoning code~~. The provisions of this sign plan that are more restrictive than provisions of Chapter 646 shall prevail and supersede the provisions of Chapter 646. All words and terms shall be defined as in Chapter 646 ~~of the Zoning Code of the City of Saint Paul~~. The word "shall" is mandatory; the word "should" is advisory.

(d) *Advertising signs.* Advertising signs shall be regulated through the Greater East Side Special District Sign Plan.

(e) *Business signs.* Business signs are necessary for the viability of the commercial areas on White Bear Avenue. They inform customers about the type of business and its location. The name of the business should be highlighted. In general, words and symbols should take no more than 40 percent of the total area of a sign. Signs with light letters on a dark background are easier to spot on a busy street. Sign colors and materials should be compatible with the building and surrounding environment. To maximize the effect of the graphics, the number of colors should be minimal. Lighting of signs should be carefully considered; internally lit electric signs are discouraged.

(1) Business signs shall be used to identify the business, not to advertise products. Signs that advertise a product and include the name of the business on the premises where the sign is placed are prohibited. These signs, which are often provided by product suppliers, fail to highlight the important information (the business name) and clutter the appearance of the street.

(2) Roof signs shall be parallel to the wall of the building and used to match rooflines and unify sign bands on adjacent buildings. Roof signs shall not be used for advertising.

(3) Wall signs shall cover neither windows nor architectural trim and detail. Wall signs should be located on the bands of building facades: over the entry, over windows, or between windows. Because wall signs are almost always seen from an angle, extended typefaces should be used. Viewing from an angle diminishes the apparent width and spacing of the letters.

Signs painted directly on the wall of a building shall not be permitted. Signs painted directly on the wall of a building defaces the building. Tenants may move and the painted wall sign may be left to mis-identify a new tenant or to peel and become unsightly.

(4) Ground signs are recommended for institutional, professional and industrial buildings. Ground signs for individual establishments should be used only when a building is set back fifteen (15) feet or more from the street right-of-way. Ground signs for individual establishments shall be placed parallel to the street.

(5) Grouped signs are used to identify multiple businesses in a larger building or adjacent ~~contiguous~~ buildings. They are recommended when individual projecting signs would block each other. Grouped signs may be used for businesses that are not directly accessible from the public sidewalk. They shall be placed within a common framework and may be placed perpendicular to the street.

(6) Projecting signs are effective for both vehicular and pedestrian traffic, but they also tend to obstruct the view of other signs and are a major source of sign clutter. Projecting signs that display a symbolic or business name are permitted. No more than one (1) projecting sign per forty (40) feet shall be permitted. Multiple businesses closer to one (1) another than forty (40) feet shall not use projecting signs.

(7) Pole signs can bring a business with a setback up to the street. Like projecting signs, pole signs are effective for both vehicular and pedestrian traffic, but they also can be a source of sign clutter. Pole signs are permitted

for individual buildings that are occupied by a single business and that have a setback from the street right-of-way of thirty-five (35) feet or more. Pole signs shall use as little structure as possible, shall be stationary, and shall be no higher than twenty (20) feet above grade at the highest point. Structural elements of the sign should be painted black or another dark color.

(8) Permanent window signs are permitted and shall not exceed ten (10) percent of the store window glass area.

(9) Portable signs shall not be permitted in the White Bear Avenue Sign District.

(10) Banners identifying White Bear Avenue business districts attached to street lights are permitted. They shall be designed with a common shape within the sign district, while patterns may reflect the neighborhood designation.

(C.F. No. 01-612, § 3, 7-11-01)

Sec. 64~~6~~.630~~2168~~. West Side Special District Sign Plan.

(a) *Intent and purpose.* The West Side Special District Sign Plan, created as provided in section 64~~6~~.601~~216~~ of this code, is adopted to provide sign controls that build upon, preserve and enhance the unique character of the West Side neighborhood. The sign plan is intended to protect property values, to preserve and protect the neighborhood viewscape, especially those of the Mississippi river and its bluffs, the Capitol, Cathedral, and downtown skyline and other features uniquely visible from West Side neighborhoods and to enhance the overall effectiveness of neighborhood business and institutional signs.

(b) *Area description.* The West Side Special District Sign Plan shall apply to the area of Saint Paul bordered generally by the Mississippi River on the northwest, north and northeast and by Annapolis Street defining the city limits with West Saint Paul and South Saint Paul on the south. Excepted from this plan is that area covered by the Smith Avenue Special District Sign Plan as set forth in ~~Legislative Code~~ section 64~~6~~.635~~2162~~.

(c) *Advertising sign restrictions.* Advertising signs shall not be permitted within the sign plan district except signs on transit shelters and courtesy benches licensed or franchised by the city. Construction, erection, replacement, or renovation of advertising signs shall not be permitted. Existing, nonconforming, advertising signs shall:

(1) Be immediately removed, at the owner's expense, from the special sign district if:

a. It is an imminent danger to life or property; or

b. It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

c. Use of such sign, signified by a lack of advertising message, has been discontinued for a period of three (3) consecutive months.

(2) Not be:

a. Altered or enlarged in any way; or

b. Replaced by another nonconforming sign; or

c. Relocated to any other location in either this district or the Smith Avenue Special Sign Districts; or

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

e. Maintained through replacement of structural elements.

(d) *Administration and enforcement.* ~~The zoning administrator shall enforce the provisions of this sign plan as a supplement to the Zoning Code, chapter 66, Signs.~~ [Redundant, since this is part of Chapter 64.] Whenever a permit for a sign in this special sign district is required under the provisions of chapter 64~~6~~ ~~of this code~~, such permit shall not be issued unless the plans for the sign have been approved by the zoning administrator as in conformance with this plan. Provisions of this sign plan that are more restrictive that the provisions of chapter 64~~6~~ shall prevail and supersede the provision in chapter 64~~6~~. All other provisions of chapter 64~~6~~ shall apply to this sign plan district.

(C.F. No. 99-1241, § 1, 1-26-00)

~~**Editor's note--**C.F. No. 99-1241, § 1, adopted January 26, 2000, amended the Code by adding a new section to be numbered § 66.2167. In order to prevent duplication of section numbers, the editor has designated such new provisions as § 66.2168.~~

Sec. 64~~6~~.635~~2162~~. Smith Avenue Special District Sign Plan.

The Smith Avenue Special District Sign Plan, created as provided in section 64~~6~~.601~~216~~ ~~above~~, applies to the area defined by Cherokee Avenue on the north, Annapolis Street on the south, Manomin Avenue on the east, and Ottawa

Avenue on the west. The provisions of this plan are supplementary to those of this chapter; the most restrictive provision shall apply. Within the Smith Avenue Special Sign District signs shall be subject to the following provisions:

(a~~1~~) Advertising signs shall not be permitted.

(b~~2~~) Business signs which advertise a product in addition to the business on the premises shall not be permitted.

(c~~3~~) No more than one (1) projecting or freestanding sign per forty-foot lot shall be permitted.

(d~~4~~) The highest point on business signs shall be no more than twenty (20) feet above ground.

(Ord. No. 17223, § 1, 3-14-85; C.F. No. 93-1718, § 109, 12-14-93)

Sec. 64~~6~~.640~~2169~~. Dayton's Bluff Special District Sign Plan.

(a) *Intent and purpose.* The Dayton's Bluff Special Sign District Plan, created as provided in section 64~~6~~.601~~216 of the zoning code~~, in order to provide sign controls in the Dayton's Bluff neighborhood, is intended to protect property values, to maintain and enhance the visibility of unique architectural and natural features, and to encourage investment and beautification in residential and commercial areas by reducing the visual clutter of advertising signs which impair the effectiveness of neighborhood business and institutional signs and otherwise detract from the appearance, perception and safety of Dayton's Bluff neighborhoods and commercial districts.

(b) *Area description.* The Dayton's Bluff Special Sign District Plan shall apply to the area described area is as follows: Warner Road and the Mississippi River on the South, Lafayette Road and Interstate Highway 94 to Interstate Highway 35E interchange ramp on the West, Grove Street and Chicago Northwestern Railroad on the North and Johnson Parkway, Birmingham Ave. South to East 6th Street East to a NS line cutting through the center of Harding High School to East 3rd Street, East 3rd Street West to Birmingham South to Interstate Highway 94, Interstate Highway 94 West to Highway 61, Highway 61 South to Warner Road, Warner Road West to the Mississippi River, Mississippi River to Lafayette Road, all in the city of St. Paul, Minnesota.

(c) *Interpretation and definitions.* The provisions of this sign plan are supplementary to the provisions of ~~the zoning code, c~~Chapter 64~~6~~, ~~entitled "~~Signs.~~"~~ Provisions of this sign plan that are more restrictive than the provisions of ~~c~~Chapter 64~~6~~ shall prevail and supersede provisions in ~~c~~Chapter 64~~6~~. All other provisions of ~~c~~Chapter 64~~6 of the zoning code~~ shall continue to apply to signs in the Dayton's Bluff Special Sign District. All words and terms shall be defined as in this sign plan and in ~~c~~Chapter 64~~6 of the zoning code~~.

(d) *General sign restrictions.* Signs within the Dayton's Bluff Special Sign District shall be subject to the following restrictions:

(1) No advertising signs shall be permitted, except signs on transit shelters and courtesy benches licensed or franchised by the city;

(2) Roof signs which advertise a product, service or entertainment which is offered, sold or manufactured on the premises shall not be permitted, but a roof sign may identify the name, logo, and nature of the business carried on in the premises.

(3) Business signs are not affected by this sign plan.

(e) *Nonconforming signs.* Regulation of nonconforming signs within the Dayton's Bluff Special Sign District which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64~~6~~.300 pertaining to nonconforming signs, subject to the following additional requirements:

(1) No nonconforming sign shall be:

a. Altered or enlarged in any way; or

b. Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or

c. Relocated to any other location in the Dayton's Bluff Special Sign District; or

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or

e. Maintained through replacement of structural elements.

(2) A nonconforming sign shall be immediately removed from the Dayton's Bluff Special Sign District at the cost of the owner if:

a. It is an imminent danger to life or property; or

b. It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

c. Use of the sign has been discontinued for a period of three consecutive months.

(f) *Sign permits; administration.* Whenever a permit for a sign in the Dayton's Bluff Special Sign District is required under the provisions of ~~the Saint Paul Legislative Code, c~~Chapter 64~~6~~, a permit shall not be issued unless the plans for the sign have been approved by the zoning administrator in conformance with this sign plan. All building permit applications for signs in the Dayton's Bluff Special Sign District shall be submitted to the zoning administrator for review and approval. A fee to cover the costs of the review shall be established by resolution of the city council. All applications submitted for zoning administrator approval shall be of sufficient detail to demonstrate that the proposed sign complies with the provisions of this plan. The zoning administrator shall review the application within thirty (30) days and notify the applicant of any decision to approve or disapprove the application. Written reasons, prepared by the zoning administrator, shall accompany all application decisions.

(C.F. No. 00-956, § 1, 11-1-00)

Sec. 64.650. Reserved.

Sec. 64~~6~~.660~~2169.2~~. North End/South Como Special District Sign Plan.

(a) *Intent and purpose.* The North End/South Como Special Sign District Plan, created as provided in section 64~~6~~.601~~216 of the zoning code~~, in order to provide sign controls in the North End/South Como neighborhood, is intended to protect property values, to maintain and enhance the visibility of unique architectural and natural features, and to encourage investment and beautification in residential and commercial areas by reducing the visual clutter of advertising signs which impair the effectiveness of neighborhood business and institutional signs and otherwise detract from the appearance, perception and safety of North End/South Como neighborhoods and commercial districts.

(b) *Area description.* The North End/South Como Special Sign District Plan shall apply to the area described area is as follows: Commencing at the center of the intersection of Dale Street North and Larpenteur Avenue; proceeding east along the center-line of Larpenteur to Freeway I-35E; south along the median of I-35E to the Burlington Northern Railroad right-of-way; thence following the right-of-way west to Lexington Parkway; north along centerline of Lexington Parkway to Horton Avenue; east along centerline of Horton Avenue to Churchill Street; north along centerline of Churchill Street to West Como Blvd,; south and east along centerline of West Como Boulevard To East Como Boulevard; north along centerline of East Como Boulevard to Maryland Avenue; east along centerline of Maryland Avenue to Dale Street North; and north along centerline of Dale Street North to the point of beginning.

(c) *Interpretation and definitions.* The provisions of this sign plan are supplementary to the provisions of ~~the zoning code, c~~Chapter 64~~6~~, ~~entitled "~~Signs.~~"~~ Provisions of this sign plan that are more restrictive than the provisions of ~~c~~Chapter 64~~6~~ shall prevail and supersede provisions in ~~c~~Chapter 64~~6~~. All other provisions of ~~c~~Chapter 64~~6 of the zoning code~~ shall continue to apply to signs in the North End/South Como Special Sign District. All words and terms shall be defined as in this sign plan and in ~~c~~Chapter 64~~6 of the zoning code~~.

(d) *General sign restrictions.* Signs within the North End/South Como Special Sign District shall be subject to the following restrictions:

(1) No advertising signs shall be permitted, except signs on transit shelters and courtesy benches licensed or franchised by the city;

(2) Roof signs which advertise a product, service or entertainment which is offered, sold or manufactured on the premises shall not be permitted, but a roof sign may identify the name, logo, and nature of the business carried on in the premises.

(3) Business signs are not affected by this sign plan.

(e) *Nonconforming signs.* Regulation of nonconforming signs within the North End/South Como Special Sign District which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64~~6~~.300 pertaining to nonconforming signs, subject to the following additional requirements:

(1) No nonconforming sign shall be:

a. Altered or enlarged in any way; or

b. Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or

c. Relocated to any other location in the North End/South Como Special Sign District; or

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or

e. Maintained through replacement of structural elements.

(2) A nonconforming sign shall be immediately removed from the North End/South Como Special Sign District at the cost of the owner if:

a. It is an imminent danger to life or property; or

b. It incurs damage in an amount exceeding 50% of its replacement cost at the time of loss, as determined by the City; or

c. Use of the sign has been discontinued for a period of three (3) consecutive months.

(g) *Sign permits; administration.* Whenever a permit for a sign in the North End/South Como Special Sign District is required under the provisions of ~~the Saint Paul Legislative Code, c~~Chapter 64~~6~~, a permit shall not be issued unless the plans for the sign have been approved by the zoning administrator in conformance with this sign plan. All building permit applications for signs in the North End/South Como Special Sign District shall be submitted to the zoning administrator for review and approval. A fee to cover the costs of the review shall be established by resolution of the city council. All applications submitted for zoning administrator approval shall be of sufficient detail to demonstrate that the proposed sign complies with the provisions of this sign plan. The zoning administrator shall review the application within thirty (30) days and notify the applicant of any decision to approve or disapprove the application. Written reasons, prepared by the zoning administrator, shall accompany all application decisions.

(C.F. No. 00-1024, § 1, 12-27-00)

Sec. 64~~6~~.670~~2169.6~~. Thomas/Dale District 7 Special District Sign Plan.

(a) *Intent and purpose.* The Thomas/Dale District 7 Special Sign District Plan, as provided in ~~S~~section 64~~6~~.2~~1~~601 ~~of the Zoning Code~~, is intended to provide advertising sign controls in the Thomas/Dale District 7 neighborhood. In keeping with the Thomas/Dale District 7 Community Plan, this Special Sign District Plan is intended to reduce visual clutter and enhance the neighborhood feel of commercial districts in the Thomas/Dale District 7 neighborhood. Neighborhood efforts are currently underway to redesign Dale Street to reduce the negative impacts of high traffic, noise and poor appearance and to improve and enhance University Avenue.

Adding signs to the existing visual landscape detracts from the pedestrian and neighborhood friendliness of the commercial environment. Residents and other consumers often complain that University and Dale feel more like highways than city streets. Advertising signs clearly play a large role in this perception. Adding to the existing density of signs will only exacerbate this problem. Furthermore, additional signs will work against current efforts to improve the appearance and economic vitality of University Avenue and Dale Street.

The purpose of advertising signs is to attract peoples' attention long enough to read the message of the sign. Drivers whose attention is on advertising signs rather than the road can cause collisions. Dale Street is a busy street with more than twenty-two thousand (22,000) cars per day passing through the neighborhood. Likewise, University Avenue is even busier, carrying more than twenty-five thousand (25,000) cars per day. Because of these large traffic volumes, advertising signs distract driver attention and are a traffic safety hazard.

(b) *Area description.* The Thomas/Dale District 7 Special Sign District Plan shall apply to the following designated area as follows: Beginning at the intersections of the centerlines of University Avenue and Lexington Parkway thence north along the centerline of Lexington Parkway to its intersection with the centerline of the railroad tracks north of Pierce Butler Route; then east along the centerline of the railroad tracks north of Pierce Butler Route to its intersection with the centerline of Interstate 35E; then south along the centerline of Interstate 35E to its intersection with the centerline of University Avenue; then west along the centerline of University Avenue to its intersection with the centerline of Lexington Parkway, but excepting the capital area bounded by Marion Street, Pennsylvania Avenue and Jackson Street;

(c) *Interpretation and definitions.* The provisions of this sign plan are supplementary to the provisions of ~~c~~Chapter 64~~6~~, Signs~~, of the Zoning Code~~. All words and terms shall be defined as in ~~Legislative Code~~ sections 64~~6~~.103--64~~6~~.128. The provisions of this special sign plan that are more restrictive than provisions of ~~c~~Chapter 64~~6~~ shall prevail and supersede the provisions of ~~c~~Chapter 64~~6~~.

(d) *Advertising signs.* No advertising signs shall be permitted within the Thomas/Dale District 7 Special Sign District except signs on transit shelters and courtesy benches licensed or franchised by the city. Existing advertising signs shall be allowed to stay, provided they meet all provisions of ~~c~~Chapter 64~~6~~, Signs~~, of the zoning code~~.

(e) *Business signs.* The regulation of business signs in the Thomas/Dale District 7 Special Sign District shall be pursuant to ~~section~~ Chapter 64~~6 of the Zoning Code~~.

(f) *Nonconforming signs.* Regulation of nonconforming signs within the Thomas/Dale District 7 Special Sign District which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64~~6~~.300 pertaining to nonconforming signs, subject to the following additional requirements:

(1) No nonconforming sign shall be:

a. Altered or enlarged in any way; or

b. Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or

c. Relocated to any other location in the District 7~~1~~ Special Sign District; or

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or

e. Maintained through replacement of structural elements.

(2) A nonconforming sign shall be immediately removed from the District 7~~1~~ Special Sign District at the cost of the owner if:

a. It is an imminent danger to life or property; or

b. It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

c. Use of the sign has been ~~discounted~~ discontinued for a period of three (3) consecutive months.

(g) *Administration and enforcement.* The zoning administrator shall enforce the provisions of this plan as a supplement to ~~c~~Chapter 64~~6~~, Signs ~~, of the zoning code~~. Whenever a permit request for an advertising sign in the Thomas/Dale District 7 Special Sign District is requested, such permit shall not be issued unless the plans for the advertising sign have been approved by the zoning administrator as in compliance with this supplement and other provisions of ~~c~~Chapter 64~~6~~, Signs~~, of the zoning code~~.

(C.F. No. 00-1066, § 1, 2-7-01)

Secs. 64.680 - 64.700. Reserved.

Sec. 64~~6~~.710~~2165~~. Hamline Midway Special District Sign Plan.

(a) *Intent and purpose.* The Hamline Midway Special Sign District Plan, as provided in section 64~~6~~.601~~216 of this code~~, is intended to provide advertising sign controls in the Hamline Midway neighborhood. In keeping with the Hamline Midway Community Plan, this Special Sign District Plan is intended to reduce visual clutter on those streets and enhance the neighborhood feel of commercial districts in the Hamline Midway neighborhood. Neighborhood efforts are currently underway to redesign Snelling Avenue to reduce the negative impacts of high traffic, noise and poor appearance.

Adding signs to the existing visual landscape detracts from the pedestrian and neighborhood friendliness of the commercial environmental. Residents and other consumers often complain that University and Snelling feel more like a highway than a city street. Advertising signs clearly play a large role in this perception. Adding to the existing density of signs will only exacerbate this problem. Furthermore, additional signs will work against current efforts to improve the appearance and economic vitality of Snelling and University Avenues.

The purpose of advertising signs is to attract peoples' attention long enough to read the message of the sign. Drivers whose attention is on advertising signs rather than the road can cause collisions. Snelling Avenue is the busiest street in St. Paul with more than thirty-five thousand (35,000) cars per day passing through the neighborhood. Likewise, University Avenue is very busy, carrying more than twenty thousand (20,000) cars per day. Because of these large traffic volumes, advertising signs distract driver attention and are a traffic safety hazard.

(b) *Area description.* The Hamline Midway Special Sign District Plan shall apply to the area designated on the map "Hamline Midway Special Sign District," which is on file and available for inspection in the office of the city clerk. The described area is as follows: Beginning at the intersection of the centerlines of University Avenue and

Lexington Parkway thence traveling north along the centerline of Lexington Parkway to its intersection with the centerline of Pierce Butler Route; thence west along the centerline of Pierce Butler Route to its intersection with the centerline of Transfer Road; thence south along the centerline of Transfer Road to its intersection with the centerline of University Avenue; thence east along the centerline of University Avenue to its intersection with the centerline of Lexington Parkway.

(c) *Interpretation and definitions.* The provisions of this sign plan are supplementary to the provisions of Chapter 64~~6~~, Signs~~, of the zoning code~~. All words and terms shall be defined as in ~~Legislative Code~~ §§ 64~~6~~.103--64~~6~~.128. The provisions of this special sign plan that are more restrictive than provisions of Chapter 64~~6~~ shall prevail and supersede the provisions of Chapter 64~~6~~.

(d) *Advertising signs.* No advertising sign shall be permitted within the Hamline Midway Special Sign District except on transit shelters and courtesy benches licensed or franchised by the city. Existing advertising signs shall be allowed to stay, provided they meet all provisions of Chapter 64~~6~~, Signs~~, of the zoning code~~.

(e) *Business signs.* The regulation of business signs in the Hamline Midway Special Sign District shall be pursuant to ~~section~~ Chapter 64~~6~~ ~~of the zoning code~~.

(f) *Nonconforming signs.* The regulation of nonconforming signs shall be pursuant to the provisions of ~~a~~Article III, ~~section 66.300,~~ Nonconforming ~~s~~Signs, of this~~e~~ chapter ~~zoning code~~.

(g) *Administration and enforcement.* ~~The zoning administrator shall enforce the provisions of this plan as a supplement to Chapter 66, Signs, of the zoning code.~~ [Redundant, since this is part of Chapter 64.] Whenever a permit request for an advertising sign in the Hamline Midway Special Sign District is requested, such permit shall not be issued unless the plans for the advertising sign have been approved by the zoning administrator as in compliance with this supplement and other provisions of Chapter 66, Signs~~, of the zoning code~~.

(C.F. No. 99-888, § 1, 10-13-99)

Sec. 64~~6~~.720~~2164~~. Saint Anthony Park Special District Sign Plan.

The Saint Anthony Park Special District Sign Plan, created as provided in section 64~~6~~.601~~216 of this code~~, pursuant to Council File No. 99-305 applies to the area defined as follows: commencing at the extreme northwest corner of the city, the boundary shall extend east along the city limit to Cleveland Avenue, south along the city limit to a point near Como Avenue, and east along the city limit to the centerline of vacated Aldine Street, thence continuing south along the centerline of vacated Aldine Street to the centerline of Wynne Avenue, east along the centerline of Wynne Avenue to the centerline of Snelling Avenue, south along the centerline of Snelling Avenue to the northerly right-of-way line of the Burlington Northern and Sante Fe Railway just south of Energy Park Drive, westerly along such northerly railway right-of-way line to the centerline of Cleveland Avenue extended north along the section line from University Avenue, south along the centerline of Cleveland Avenue extended and Cleveland Avenue to the centerline of Interstate Highway 94, westerly along the centerline of Interstate Highway 94 to the western city limit, and thence north along the city limit to the northwest corner of the city where the boundary line began. ~~The zoning administrator shall enforce the provisions of this sign plan as a supplement to Saint Paul Legislative Code Chapter 66.~~ [Redundant, since this is part of Chapter 64.]

Within the Saint Anthony Park Special Sign District, signs shall be subject to the following restrictions:

(1) No advertising signs shall be permitted except signs on transit shelters and courtesy benches licensed or franchised by the city;

(2) Roof signs which advertise a product, service or entertainment which is offered, sold or manufactured on the premises shall not be permitted, but a roof sign may identify the name, logo and nature of the business carried on in the premises.

Signs within the Saint Anthony Park Special Sign District which lawfully existed prior to the adoption of this sign plan and which would be prohibited, regulated or restricted under the provisions of this sign plan or amendments hereto, may continue to exist as legal nonconforming signs under the provisions of ~~Legislative Code~~ section 64~~6~~.300 pertaining to nonconforming signs, subject to the following additional requirements:

(1) No nonconforming sign shall be:

(a) Altered or enlarged in any way; or

(b) Replaced by another nonconforming sign, though a change in the message on a nonconforming sign will not be deemed to be a replacement; or

(c) Relocated to any other location in the Saint Anthony Park Special Sign District; or

(d) Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

(e) Maintained through replacement of structural elements; or

(2) Any nonconforming sign shall be immediately removed from the Saint Anthony Park Special Sign District at the cost of the owner if:

(a) It is an imminent danger to life or property; or

(b) It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss; or

(c) Use of such sign has been discontinued for a period of three (3) consecutive months.

Whenever a permit for a sign in the Saint Anthony Park Special Sign District is required under the provisions of ~~Saint Paul Legislative Code~~ Chapter 64~~6~~, Signs, such permit shall not be issued unless the plans for the sign have been approved by the zoning administrator as in conformance with this sign plan. All building permit applications for signs in the Saint Anthony Park Special Sign District shall be submitted to the zoning administrator for review and approval. A fee to cover the costs of the review shall be established by resolution of the city council. All plans submitted for zoning administrator approval shall be of sufficient detail to demonstrate that the proposed sign complies with the provisions of this sign plan. The zoning administrator shall review the plans within thirty (30) days and notify both the applicant and the Department of License, Inspections and Environmental Protection of any decision to approve or disapprove the plans. Written reasons for denial shall be prepared by the zoning administrator and shall accompany any decision to disapprove the plans. Any decision by the zoning administrator may be appealed ~~to the planning commission~~ as provided in Chapter 61, Administration and Enforcement ~~Saint Paul Legislative Code section 64.300(j)~~.

(C.F. No. 99-341, § 1, 5-5-99)

Sec. 64~~6~~.730~~2166~~. Merriam Park Special District Sign Plan.

(a) *Intent and purpose.* The Merriam Park Special Sign District Plan, as provided in section 64~~6~~.601~~216 of this code~~, is adopted to provide sign controls that build upon the unique character and identity of Merriam Park. This Sign Plan is intended to:

(1) Maintain and enhance the scenic view of unique architectural and natural features visible from the residential and commercial areas of Merriam Park:

(2) Protect and encourage investment and beautification in the University Avenue, Marshall Avenue, Snelling Avenue and Selby Avenue corridors;

(3) Reduce the clutter and chaotic diversity of advertising signage that impairs the effectiveness of signs identifying businesses and institutions in Merriam Park;

(4) Create a more aesthetically pleasing fusion of residential and commercial areas in Merriam Park; and

(5) Protect property values in Merriam Park and reflect the pride its residents, businesses and institutions place in the community.

(b) *Definitions and interpretation.* The provisions of this sign plan are supplementary to the provisions of Chapter 64~~6~~, Signs~~, of this code~~. The provisions of this sign plan that are more restrictive than provisions of Chapter 64~~6~~ shall prevail and supersede any conflicting provisions of Chapter 64~~6~~. All other provisions of Chapter 64~~6 of this code~~ shall continue to apply to signage within the Merriam Park Special Sign District. All words and terms shall be defined as in this sign plan and in Chapter 64~~6 of this code~~. Provisions that use the word "shall" are mandatory. Provisions that use the word "should" or "recommend" are advisory to carrying out the intent and purpose of this sign plan but are not mandatory.

(c) *Special sign district area.* The Merriam Park Special Sign District Plan shall apply to the area defined as follows:

Commencing at the center of the intersection of Snelling Avenue and University Avenue, the boundary shall extend south along the centerline of Snelling Avenue to the centerline of Summit Avenue, then west along the centerline of Summit Avenue extending to the western city limit, then northerly along the western city limit to the median of Interstate Highway 94, easterly along the median of Interstate Highway 94 until the centerline of University Avenue, then easterly along the centerline of University Avenue until the centerline of Snelling Avenue.

(d) *Provisions.*

(1) No advertising sign shall be permitted, except signs on transit shelters and courtesy benches licensed or franchised by the city.

(2) No free-standing or roof business sign shall be permitted, except business signs which identify the name, logo, and/or nature of the business or profession conducted on the premises.

(e) *Nonconforming advertising signs.* Signs within the Merriam Park Special District which lawfully existed prior to the adoption of this sign plan by the city council, and which would be prohibited, regulated or restricted under the provisions of this sign plan or amendments hereto, may continue to exist as legal nonconforming signs under the provisions of section 64~~6~~.300, Nonconforming signs, ~~of this code,~~ subject to the following additional requirements:

(1) No nonconforming advertising signs shall be:

a. Altered in any way, other than changing the message on a painted or printed sign;

b. Replaced by another nonconforming [sign];

c. Relocated to any other location in the Merriam Park Special District;

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its display surface, as determined by the city; or

e. Maintained through replacement of structural elements.

(2) Any nonconforming advertising sign shall be immediately removed from the Merriam Park Special District at the cost of the owner:

a. If it incurs damage in an amount exceeding fifty (50) percent of its display surface, as determined by the city; or

b. If use of such sign has been discontinued for a period of three (3) consecutive months.

(C.F. No. 99-889, § 1, 10-13-99)

Sec. 64~~6~~.735~~2167~~. Snelling Hamline Special District Sign Plan.

(a) *Intent and purpose.* The Snelling-Hamline Special Sign District Plan, created as provided in section 64~~6~~.601~~216~~ ~~of the Zoning Code~~, to provide sign controls in the Snelling-Hamline neighborhood is intended to protect property values, to maintain and enhance the visibility of unique architectural and natural features, and to encourage investment and beautification in residential and commercial areas by reducing the visual clutter of advertising signs which impair the effectiveness of neighborhood business and institutional signs and otherwise detract from the appearance, perception and safety of Snelling-Hamline's neighborhoods and commercial districts.

(b) *Area description.* The Snelling-Hamline Special Sign District Plan shall apply to the area described area is as follows:

Commencing at the center of the intersection of Snelling Avenue and University Avenue, the boundary shall extend south along the centerline of Snelling Avenue to the centerline of Summit Avenue, then east along the centerline of Summit Avenue extending to the centerline of Ayd Mill Road, then running northwesterly along the centerline of Ayd Mill Road, then north on the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way to the centerline of Marshall Avenue, east to the centerline of Hamline Avenue, north to the centerline of University Avenue, then west to the point of beginning, all in the city of St. Paul, Minnesota.

(c) *Interpretation and definitions.* The provisions of this sign plan are supplementary to the provisions of ~~the Zoning Code,~~ Chapter 64~~6~~, ~~entitled "~~Signs.~~"~~ Provisions of this sign plan that are more restrictive than the provisions of Chapter 64~~6~~ shall prevail and supersede provisions in Chapter 64~~6~~. All other provisions of Chapter 64~~6~~ ~~of the Zoning Code~~ shall continue to apply to signs in the Snelling-Hamline Special Sign District. All words and terms shall be defined as in this sign plan and in Chapter 66 ~~of the Zoning Code~~.

(d) *General sign restrictions.* Signs within the Snelling-Hamline Special Sign District shall be subject to the following restrictions:

(1) No advertising signs shall be permitted, except signs on transit shelters and courtesy benches licensed or franchised by the city;

(2) Roof signs which advertise a product, service or entertainment which is offered, sold or manufactured on the premises shall not be permitted, but a roof sign may identify the name, logo, and nature of the business carried on in the premises.

(3) Business signs are not affected by this sign plan.

(e) *Nonconforming signs.* Nonconforming signs within the Snelling-Hamline Special Sign District which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs

regulated under the provisions of section 646.300 pertaining to nonconforming signs, subject to the following additional requirements:

(1) No nonconforming sign shall be:

a. Altered or enlarged in any way; or

b. Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or

c. Relocated to any other location in the Snelling-Hamline Special Sign District; or

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or

e. Maintained through replacement of structural elements.

(2) A nonconforming sign shall be immediately removed from the Snelling-Hamline Special Sign District at the cost of the owner if:

a. It is an imminent danger to life or property; or

b. It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

c. Use of the sign has been discontinued for a period of three (3) consecutive months.

(f) *Sign permits; administration.* Whenever a permit for a sign in the Snelling-Hamline Special Sign District is required under the provisions of ~~the Saint Paul Legislative Code~~ Chapter 646, a permit shall not be issued unless the plans for the sign have been approved by the zoning administrator in conformance with this sign plan. All building permit applications for signs in the Snelling-Hamline Special Sign District shall be submitted to the zoning administrator for review and approval. A fee to cover the costs of the review shall be established by resolution of the city council. All applications submitted for zoning administrator approval shall be of sufficient detail to demonstrate that the proposed sign complies with the provisions of this sign plan. The zoning administrator shall review the application within thirty (30) days and notify the applicant of any decision to approve or disapprove the application. Written reasons, prepared by the zoning administrator, shall accompany all application decisions.

(C.F. No. 99-1229, § 1, 1-26-00)

~~**Editor's note**--C.F. No. 99-1229, § 1, adopted January 26, 2000, amended the Code by adding a new section to be numbered § 66.2166. In order to prevent duplication of section numbers, the editor has designated such new provisions as § 66.2167.~~

Sec. 646.740~~2169.3~~. Macalester-Groveland Special District Sign Plan.

(a) *Intent and purpose.* The Macalester-Groveland Special Sign District Plan, created as provided in section 646.601~~216 of the zoning code~~, in order to provide sign controls in the Macalester-Groveland neighborhood, is intended to protect property values, to maintain and enhance the visibility of unique architectural and natural features, and to encourage investment and beautification in residential and commercial areas by reducing the visual clutter of advertising signs which impair the effectiveness of neighborhood business and institutional signs and otherwise detract from the appearance, perception and safety of Macalester-Groveland neighborhoods and commercial districts.

(b) *Area description.* The Macalester-Groveland Special Sign District Plan shall apply to the area described area is as follows: Beginning at a point where Mississippi River Boulevard and Summit Avenue intersect, along Summit Avenue to Ayd Mill Road, Southeasterly along Ayd Mill Road to the 35E Corridor, then South along the 35E Corridor to Randolph Avenue, West along Randolph Avenue to Mississippi River Boulevard, then North along Mississippi River Boulevard to the point of the beginning except those areas presently controlled under the provisions of Legislative Code section 646.745~~2161~~.

(c) *Interpretation and definitions.* The provisions of this sign plan are supplementary to the provisions of ~~the zoning code, c~~Chapter 646, ~~entitled "~~Signs.~~"~~ Provisions of this sign plan that are more restrictive than the provisions of ~~c~~Chapter 646 shall prevail and supersede provisions in ~~c~~Chapter 646. All other provisions of ~~c~~Chapter 646~~ of the zoning code~~ shall continue to apply to signs in the Macalester-Groveland Special Sign District. All words and terms shall be defined as in this sign plan and in ~~c~~Chapter 646~~ of the zoning code~~.

(d) *General sign restrictions.* Signs within the Macalester-Groveland Special Sign District shall be subject to the following restrictions:

(1) No advertising signs shall be permitted, except signs on transit shelters and courtesy benches licensed or franchised by the city;

(2) Roof signs which advertise a product, service or entertainment which is offered, sold or manufactured on the premises shall not be permitted, but a roof sign may identify the name, logo, and nature of the business carried on in the premises.

(3) Business signs are not affected by this sign plan.

(e) *Nonconforming signs.* Regulation of nonconforming signs within the Macalester-Groveland Special Sign District which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64~~6~~.300 pertaining to nonconforming signs, subject to the following additional requirements:

(1) No nonconforming sign shall be:

a. Altered or enlarged in any way; or

b. Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or

c. Relocated to any other location in the Macalester-Groveland Special Sign District; or

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or

e. Maintained through replacement of structural elements.

(2) A nonconforming sign shall be immediately removed from the Macalester-Groveland Special Sign District at the cost of the owner if:

a. It is an imminent danger to life or property; or

b. It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

c. Use of the sign has been discontinued for a period of three (3) consecutive months.

(g) *Sign permits; administration.* Whenever a permit for a sign in the Macalester-Groveland Special Sign District is required under the provisions of ~~the Saint Paul Legislative Code, c~~Chapter 64~~6~~, a permit shall not be issued unless the plans for the sign have been approved by the zoning administrator in conformance with this sign plan. All building permit applications for signs in the Macalester-Groveland Special Sign District shall be submitted to the zoning administrator for review and approval. A fee to cover the costs of the review shall be established by resolution of the city council. All applications submitted for zoning administrator approval shall be of sufficient detail to demonstrate that the proposed sign complies with the provisions of this sign plan. The zoning administrator shall review the application within thirty (30) days and notify the applicant of any decision to approve or disapprove the application. Written reasons, prepared by the zoning administrator, shall accompany all application decisions.

(C.F. No. 00-1020, § 1, 12-27-00)

Sec. 64~~6~~.745~~2161~~. Grand Avenue Special District Sign Plan.

The Grand Avenue Special District Sign Plan, created as provided in section 64~~6~~.601~~216~~ ~~above~~, applies to the area defined by Oakland Avenue on the east, Cretin Avenue on the west and the parallel alleys north and south of Grand Avenue. The zoning administrator shall enforce the provisions of the Grand Avenue Special District Sign Plan as a supplement to the zoning code. Whenever a permit for a sign within the Grand Avenue Special Sign District is required under the provisions of this chapter, such permit shall not be issued unless the plans for the sign have been approved by the zoning administrator as in conformance with the Grand Avenue Special District Sign Plan. Building permit applications for signs in the Grand Avenue Special Sign District shall be submitted to the zoning administrator for review and approval.

(Ord. No. 17098, 1-17-84; C.F. No. 99-750, § 15, 9-1-99)

Sec. 64~~6~~.750~~2163~~. Highland Village Special District Sign Plan.

The Highland Village Special Sign District Plan, created as provided in section 64~~6~~.601~~216~~, pursuant to city council resolution C.F. No. 86-1451, applies to the area as defined by said council resolution. The provisions of this plan are supplementary to those of this chapter and the most restrictive provision shall apply. Within the Highland Village Special District Sign Plan, signs shall be subject to the provisions as contained and set forth in City Council Resolution C.F. No. 86-1451. The zoning administrator shall enforce the provisions of the Highland Village Special District Sign Plan as a supplement to the zoning code. Whenever a permit for a sign within the Highland Village Special Sign District is required

under the provisions of this chapter, such permit shall not be issued unless the plans for the sign have been approved by the zoning administrator as in conformance with the Highland Village Special District Sign Plan. Building permit applications for signs in the Highland Village Special Sign District shall be submitted to the zoning administrator for review and approval.

(Ord. No 17414, § 1, 11-4-86; C.F. No. 99-750, § 15, 9-1-99)

Sec. 64~~6~~.755~~2169.1~~. Shepard Davern Special District Sign Plan.

(a) *Intent and purpose.* The Shepard Davern Special Sign District Plan, created as provided in section 64~~6~~.601~~216 of the zoning code~~, in order to provide sign controls in the Shepard Davern neighborhood, is intended to protect property values, to maintain and enhance the visibility of unique architectural and natural features, and to encourage investment and beautification in residential and commercial areas by reducing the visual clutter of advertising signs which impair the effectiveness of neighborhood business and institutional signs and otherwise detract from the appearance, perception and safety of Shepard Davern neighborhoods and commercial districts.

(b) *Area description.* The Shepard Davern Special Sign District Plan shall apply to the area described area is as follows: Beginning at a point where Shepard Road, Mississippi River Boulevard and West Seventh intersect, northeasterly along West Seventh Street to Edgecumbe Road, north on Edgecumbe Road to St. Paul Avenue, east along St. Paul Avenue to West Seventh Street, northeasterly along West Seventh Street to Homer Street, southeasterly along Homer Street to Shepard Road, southwesterly along Shepard Road to the point of the beginning.

(c) *Interpretation and definitions.* The provisions of this sign plan are supplementary to the provisions of ~~the zoning code, c~~Chapter 66, ~~entitled "~~Signs.~~"~~ Provisions of this sign plan that are more restrictive than the provisions of ~~c~~Chapter 66 shall prevail and supersede provisions in ~~c~~Chapter 66. All other provisions of ~~c~~Chapter 66 of the zoning code shall continue to apply to signs in the Shepard Davern Special Sign District. All words and terms shall be defined as in this sign plan and in ~~c~~Chapter 66 ~~of the zoning code~~.

(d) *General sign restrictions.* Signs within the Shepard Davern Special Sign District shall be subject to the following restrictions:

(1) No advertising signs shall be permitted, except signs on transit shelters and courtesy benches licensed or franchised by the city;

(2) Roof signs which advertise a product, service or entertainment which is offered, sold or manufactured on the premises shall not be permitted, but a roof sign may identify the name, logo, and nature of the business carried on in the premises.

(3) Business signs are not affected by this sign plan.

(e) *Nonconforming signs.* Regulation of nonconforming signs within the Shepard Davern Special Sign District which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64~~6~~.300 pertaining to nonconforming signs, subject to the following additional requirements:

(1) No nonconforming sign shall be:

a. Altered or enlarged in any way; or

b. Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or

c. Relocated to any other location in the Shepard Davern Special Sign District; or

d. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or

e. Maintained through replacement of structural elements.

(2) A nonconforming sign shall be immediately removed from the Shepard Davern Special Sign District at the cost of the owner if:

a. It is an imminent danger to life or property; or

b. It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or

c. Use of the sign has been discontinued for a period of three (3) consecutive months.

(g) *Sign permits; administration.* Whenever a permit for a sign in the Shepard Davern Special Sign District is required under the provisions of ~~the Saint Paul Legislative Code, c~~Chapter 6~~4~~6, a permit shall not be issued unless the plans for the sign have been approved by the zoning administrator in conformance with this sign plan. All building permit applications for signs in the Shepard Davern Special Sign District shall be submitted to the zoning administrator for review and approval. A fee to cover the costs of the review shall be established by resolution of the city council. All applications submitted for zoning administrator approval shall be of sufficient detail to demonstrate that the proposed sign complies with the provisions of this sign plan. The zoning administrator shall review the application within thirty (30) days and notify the applicant of any decision to approve or disapprove the application. Written reasons, prepared by the zoning administrator, shall accompany all application decisions.

(C.F. No. 00-1018, § 1, 12-27-00)

Sec. 64.760. Reserved.

Sec. 6~~4~~6.770~~2169.7~~. Downtown Area Special District Sign Plan.

(a) *Intent and purpose.* The Downtown Special Sign District Plan, as provided in section 6~~46.21~~601 ~~of this code~~, is adopted to provide advertising sign controls that build upon the unique character and identity of the city's downtown. This sign plan is intended to:

(1) Maintain and enhance the scenic view of unique architectural and natural features visible from the residential and commercial areas of downtown;

(2) Protect and encourage investment and beautification of downtown;

(3) Reduce the clutter and chaotic diversity of advertising signage that impairs the effectiveness of signs identifying businesses and institutions in downtown;

(4) Create a more aesthetically pleasing fusion of residential and commercial areas in downtown; and

(5) Protect property values in downtown and reflect the pride its residents, businesses and institutions place in the community.

(b) The provisions of the Downtown Special District Sign Plan apply within the boundaries of the District 17 Neighborhood District Council but excludes those areas of District 17 which are subject to the jurisdiction of the Capital Area Architectural and Planning Board as provided by Minnesota Statute 15.50.

(c) Within the Downtown Special Sign District, advertising signs shall be subject to the following restrictions:

(1) No advertising signs shall be permitted except signs on transit shelters and courtesy benches licensed or franchised by the city;

(2) Advertising signs within the Downtown Special Sign District which lawfully existed prior to the adoption of this special sign plan and which would be prohibited, regulated, or restricted under the provisions of this sign plan or amendments hereto, may continue to exist as legal nonconforming signs under the provisions of Legislative Code section 66.300 pertaining to nonconforming signs, subject to the following additional requirements:

a. No nonconforming advertising sign shall be:

1. Altered or enlarged in any way; or

2. Replaced by another nonconforming advertising sign, though a change in the message on a nonconforming advertising sign will not be deemed to be a replacement; or

3. Relocated to any other location in the Downtown Special Sign District; or

4. Reconstructed after incurring damage to the advertising sign display surface or advertising sign structure in an amount exceeding fifty-one (51) percent of the replacement cost of the advertising sign display surface or fifty-one (51) percent of the replacement cost of the advertising sign structure at the time of loss, as determined by the zoning administrator; or

5. Maintained through replacement of structural elements.

b. Any nonconforming advertising sign shall be immediately removed from the Downtown Special Sign District at the cost of the owner if:

1. It is deemed unsafe or hazardous by the Zoning Administrator; or

2. The advertising sign face or advertising sign structure sustains damage in an amount exceeding fifty-one (51) percent of the replacement cost of the advertising sign display surface or advertising sign structure at the time of loss; or

3. Use of such advertising sign has been discontinued for a period of three (3) consecutive months.

(d) ~~The zoning administrator shall enforce the provisions of this sign plan as a supplement to Saint Paul Legislative Code Chapter 66.~~ [Redundant, since this is part of Chapter 64.] Whenever a permit for an advertising sign in the Downtown Special Sign District is required under a provisions of ~~Saint Paul Legislative Code~~ Chapter 64~~6~~, such permit shall not be issued unless the plans for the sign have been approved by the zoning administrator as in conformance with this sign plan. All building permit applications for advertising signs in the Special Sign District shall be submitted to the zoning administrator for review and approval. A fee to cover the costs of the review shall be established by resolution of the city council. All plans submitted for zoning administrator approval shall be of sufficient detail to demonstrate that the proposed sign complies with the provision of this sign plan. The zoning administrator shall review the plans within thirty (30) days and notify both the applicant and the department of license, inspections and environmental protection of any decision to approve or disapprove the plans. Written reasons for denial shall be prepared by the zoning administrator and shall accompany any decision to disapprove the plans. Any decision by the zoning administrator may be appealed ~~to the planning commission~~ as provided in Chapter 61, Administration and Enforcement ~~Saint Paul Legislative Code Section 66.408(a)~~.

(C.F. No. 01-49, § 1, 4-18-01)

~~**Editor's note--**C.F. No. 01-49, § 1, adopted April 18, 2001, amended the Code by adding a new § 66.2169. In order to prevent duplication of section numbers, the provisions have been renumbered as § 66.2169.7 at the discretion of the editor.~~

Chapter 65. Zoning Code - Land Use Definitions and Development Standards

ARTICLE I. 65.000. GENERAL PROVISIONS

Sec. 65.001. Land use definitions and development standards.

For the purposes of this zoning code, the land use terms defined in this chapter shall have the meanings ascribed to them herein. Where land use terms are not specifically defined in this zoning code, they shall have ascribed to them their ordinarily accepted meanings and/or such as the context herein may imply. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

ARTICLE II. 65.100. RESIDENTIAL USES

Division 1. 65.110. Dwellings

Sec. 65.111. Dwelling, one-family.

A building designed exclusively for and occupied exclusively by one family in one dwelling unit.

Standards and conditions in TN1-TN2 Traditional Neighborhood Districts:

A new one-family dwelling shall be on a lot no more than 50 feet in width, with a side yard adjoining residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling, except that any existing one-family dwelling may be reconstructed within two (2) years of the removal of the building.

Sec. 65.112. Dwelling, two-family.

A building designed exclusively for or occupied exclusively by no more than two (2) families living independently of each other in two (2) separate dwelling units.

Sec. 65.113. Dwelling, three-family.

A building designed exclusively for or occupied exclusively by no more than three (3) families living independently of each other in three (3) separate dwelling units.

Sec. 65.114. Dwelling, four-family.

A building designed exclusively for or occupied exclusively by no more than four (4) families living independently of each other in four (4) separate dwelling units.

Sec. 65.115. Dwelling, townhouse.

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having ~~a~~ totally exposed front and rear walls to be used for access, light and ventilation.

Development standard:

In the RT2 Townhouse Residential District, no more than six (6) townhouse dwelling units shall be attached to form the townhouse structure.

Sec. 65.116. Dwelling, multiple-family.

A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other in individual dwelling units.

Secs. 65.117 - 65.120. Reserved.

Sec. 65.121. Dwelling, carriage house.

An accessory dwelling above a detached garage.

Standards and conditions:

(a)~~.~~ The building planned for use as a carriage house dwelling had space originally built to house domestic employees.

(b)~~.~~ The applicant shall obtain a petition signed by two-thirds of the property owners within one hundred (100) feet of the applicant's property line consenting to the carriage house dwelling.

(c)~~.~~ The applicant shall not reduce the number of existing off-street parking spaces on the property and shall also provide additional off-street parking as required for the carriage house dwelling.

(d) A site plan and a building plan shall be submitted to the planning commission at the time of application. Carriage house dwellings are exceptions to one (1) main building per zoning lot requirements.

Secs. 65.122 - 65.129. Reserved.

Sec. 65.130. Cluster development.

The arrangement of two (2) or more dwelling units, either attached or detached, ~~common wall, single-family units, with no unit intruding on the vertical airspace of any other unit~~ as part of a single development that may include more than one (1) principal residential building on a zoning lot.

Standards and conditions:

(a) ~~There shall be a minimum of two (2) units. (h)~~ Applications for cluster development shall include site plans, including landscaping and elevations and other information the planning commission may request.

(b) ~~The units shall be attached, common wall, single-family, with~~ No unit shall intrud~~e~~ing on the vertical airspace of any other unit.

(c~~d~~) The parcel shall have a minimum frontage of eighty (80) feet on an improved street ~~. (c) The parcel shall~~ and meet the lot area required per unit in the zoning district. Individual lots within a cluster development may have less than the required lot area for the zoning district provided such reductions are compensated for by an equivalent amount of property owned in common elsewhere in the cluster development. Lot area shall not include areas designated as public or private streets.

(d~~e~~) ~~The~~ Structures shall conform to the ~~schedule of regulations~~ dimensional standards for height, lot coverage, and setbacks ~~and parking~~ for the zoning district. Required yards within a cluster development may be reduced or eliminated provided required yards are maintained along the periphery of the cluster development.

(e~~f~~) The design shall be compatible with the surrounding neighborhood.

(f~~g~~) Individual lots, buildings, street and parking areas shall be designed and situated to minimize alteration of the natural features and topography.

Sec. 65.131. Housing for the elderly.

A multiple-family structure~~, controlled by either a public body, institutional body, or nonprofit corporation,~~ in which eighty (80) percent of ~~whose~~ the occupants shall be sixty-two~~five~~ (62~~5~~) years of age or over, or a multiple-family structure

owned and operated by the Saint Paul Public Housing Agency (PHA) within which over ninety-five (95) percent of the units have no more than one bedroom and are occupied by persons who are eligible for admission to public housing in accordance with current federal regulations ~~where each unit is occupied by at least one (1) person who is fifty-five (55) years of age or over and is retired, and where the rental arrangement includes a requirement that all members of each household consume at least one (1) meal per day in a congregate dining facility contained within the multiple-family structure~~.

Sec. 65.132. Reuse of large structures.

Conversion or reuse of residential structures of over nine thousand (9,000) square feet gross floor area and permitted nonresidential structures such as churches and schools.

Standards and conditions in Residential Districts:

(a) The planning commission shall find that the structure cannot reasonably be ~~feasibly~~ used for a conforming use.

(b) The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan.

(c) The planning commission shall find that the proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.

(d) Parking for the new use shall be provided in accordance with the requirements of section 6~~2~~3.~~103~~200 for new structures.

(e) Applications for conversion or reuse shall include a notarized petition of two-thirds of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request.

Division 2. 65.140. Mixed Commercial-Residential Uses

Sec. 65.141. Home occupation.

An occupation carried on in a dwelling unit by ~~the~~ a resident thereof, provided that the use is limited in extent, incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

Standards and conditions:

(a)~~b~~ A home occupation may include ~~professional~~ small offices, service establishments ~~or offices,~~ or homecrafts which are typically considered accessory to a dwelling unit. Such home occupations shall involve only limited retailing, by appointment only, associated with fine arts, crafts or personal services as allowed in the B1 Local Business District.

(b)~~a~~ A home occupation shall not involve the conduct of a general retail or wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property, and shall not involve retailing except as noted in paragraph (a).

(c) A home occupation shall be carried on wholly within the main building. No home occupation shall be allowed in detached accessory buildings or garages.

(d) All home occupation activities in dwelling units of less than four thousand (4,000) square feet of total living area, excluding a cellar and attic, shall be conducted by no more than two (2) persons, for one (1) of whom the dwelling unit shall be the principal residence. All home occupation activities in dwelling units of four thousand (4,000) or more square feet of total living area, excluding a cellar and attic, shall be conducted by no more than three (3) persons, for one (1) of whom the dwelling unit shall be the principal residence.

(e) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.

(f) Service and teaching occupations shall serve no more than one party per employee at a time and shall not serve groups or classes.

(g) There shall be no exterior storage of equipment, supplies or commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van, nor any additional vehicles except those for permitted employees identified under paragraph (d).

(h) There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation or any other annoyance resulting from the home occupation.

(i) A home occupation may have an identification sign no larger than two (2) square feet in area, which shall not be located in a required yard.

(j) Home occupations for handicapped persons that do not meet these conditions may be reviewed by the board of zoning appeals, which may modify or waive ~~the~~ requirements (a) through (g).

(k~~j~~) For the purposes of this section ~~subdivision (7)~~, "principal residence" shall mean the dwelling where a person has established a permanent home from which the person has no present intention of moving. A principal residence is not established if the person has only a temporary physical presence in the dwelling unit.

Sec. 65.142. Live-work unit.

A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

Standards and conditions:

(a) The work space component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.

(b) The dwelling unit component must be located above or behind the work space, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.

(c) The office or business component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.

(d) A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.

(e) The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed-use building.

(f) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.

Sec. 65.143. Mixed residential and commercial use.

Standards and conditions in B1-B3 Business and IR-I2 Industrial Districts:

~~(a)~~ Residential uses are limited to not more than fifty (50) percent of the basement and first floor. The entire upper floors may be used for residential use. At least fifty (50) percent of the basement and first floor shall be devoted to a principal use permitted in this district, except residential use.

~~(b) Residential uses may be occupied by foster homes, freestanding foster care homes, or human service-licensed community residential facilities for sixteen (16) or fewer facility residents subject to the condition that they are at least one thousand three hundred twenty (1,320) radial feet from another similar facility.~~

~~**Sec. 65.144. Mixed residential and commercial use, multiple family dwelling.**~~

~~*Standards and conditions as special condition use in B1-B3 Business Districts:*~~

~~(a) The proposed use is part of a redevelopment project proposed by a public agency as the applicant or done in accordance with a specific plan pertaining to the proposed use, which specific plan has been approved by the city.~~

~~(b) Commercial uses shall be limited to those otherwise permitted in the district which do not require a separation distance from residentially zoned or occupied property.~~

Sec. 65.151. Foster home.

A dwelling unit in which a foster care program licensed by the commissioner of human services or the commissioner of corrections is operated in the principle residence of the license holder.

Development standards:

In B1, B2~~and~~-B3 Business ,and IR-I2 Industrial Districts, the use shall be within a mixed-use building. In B4 and B5 Business Districts, the use shall be within a multiple-family building.

Sec. 65.152. Freestanding foster care home.

A dwelling unit in which a foster care program that is licensed by the commissioner of human services is operated in other than the principle residence of the license holder.

Development standards:

See *Sec. 65.151. Foster home*.

Sec. 65.153. Community residential facility, licensed human service.

One (1) main building, or portion thereof, on one (1) zoning lot where one (1) or more children or persons with mental retardation or related conditions, mental illness, chemical dependency or physical handicaps reside on a 24-hour-per-day basis under the auspices of a program licensed by the Minnesota Department of Human Services to provide lodging in conjunction with monitoring, supervision, treatment, rehabilitation, habilitation, education or training of the residents of the facility.

This definition does not include:

(1) Foster homes or freestanding foster homes as defined in ~~section 60.206 of~~ this code;

(2) Residential treatment programs physically located on hospital grounds;

(3) Regional treatment centers operated by the commissioner of human services;

(4) Licensed semi-independent living services for persons with mental retardation or related conditions or mental illness, if the license holder is not providing, in any manner, direct or indirect, the housing used by persons receiving the service.

~~*Condition in RL-RM3 Residential Districts for licensed human service community residential facilities serving six (6) or fewer facility residents:*~~

~~It shall be located at least one thousand three hundred twenty (1,320) radial feet from another human service-licensed community residential facility.~~

~~*Condition in RT2-RM3 Residential Districts for licensed human service community residential facilities serving seven (7) to sixteen (16) facility residents:*~~

~~It shall be located at least one thousand three hundred twenty (1,320) radial feet from another licensed human service community residential facility.~~

Standards and conditions ~~*in OS-B3 Business Districts for human service-licensed community residential facilities for sixteen (16) or fewer facility residents*~~*:*

(a) ~~It~~ The facility shall be ~~located at least~~ a minimum distance of one thousand three hundred twenty (1,320) ~~radial~~ feet from ~~another similar~~ any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4-B5 Business Districts where it shall be at least six hundred (600) feet from any other such facility.

(b) In RL-RT1 Residential Districts, the facility shall serve six (6) or fewer facility residents. In RT2 Residential, TN1-TN3 Traditional Neighborhood, OS-B3 Business and IR-I2 Industrial Districts, the facility shall serve sixteen (16) or fewer facility residents.

(c) In residential districts, a conditional use permit is required for facilities serving seven (7) or more facility residents.

~~*Condition in B4-B5 Business Districts:*~~

(d) In B4-B5 Business Districts, the ~~human service-licensed community residential~~ facility shall be ~~located at least six hundred (600) radial feet from another similar facility and~~ located in a multiple-family structure.

~~*Standards and conditions in RM1-RM2 Residential Districts for licensed human service residential facilities, shelters for battered persons, and transitional housing for seventeen (17) or more facility residents, roominghouses and boardinghouses:*~~

~~a~~(e) Except in B4-B5 Business Districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet ~~be provided for the first two (2) guest rooms and~~ plus one thousand (1,000) square feet for each ~~additional~~ guest room in excess of two (2) guest rooms, and one (1) off-street parking space for every two (2) facility residents.

~~b. One (1) off-street parking space for every two (2) facility residents.~~

~~c. Licensed human service community residential facilities shall be located at least one thousand three hundred twenty (1,320) radial feet from any other licensed human service community residential facility.~~

~~d. Transitional housing facilities and shelters for battered persons shall not be located in a planning district in which one (1) percent or more of the population lives in licensed human service community residential facilities, licensed correctional community residential facilities, health department-licensed community residential facilities, emergency housing facilities, overnight shelters, shelters for battered persons and/or transitional housing facilities.~~

~~e. Permission for special condition use applies only as long as the number of residents is not increased and its licensing, purpose or location do not change and other conditions of the permit are met.~~

Sec. 65.154. Community residential facility, licensed correctional.

One (1) main building, or portion thereof, on one (1) zoning lot where one (1) or more persons who are placed there by a court, court services department, parole authority or other correctional agency having dispositional power over persons charged with or convicted of a crime or adjudicated delinquent reside on a 24-hour-per-day basis under the care and supervision of a residential program licensed by the Minnesota Department of Corrections.

This definition does not include:

(1) Licensed foster care homes serving persons under eighteen (18) years of age in the principal residence of the license holder;

(2) Municipal, county or regional jails, workhouses, juvenile detention facilities, or state correctional facilities operated by the commissioner of corrections.

Standards and conditions ~~in RM1-RM2 Residential and B2-B3 Business Districts~~:

(a) Preliminary licensing review by the Minnesota Department of Corrections.

~~d~~(b) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other licensed ~~correctional~~ community residential ~~facilities, licensed human service community residential facilities~~ facility, ~~transitional housing or shelters for battered persons,~~ emergency housing facility, ~~health department-licensed community residential facilities or overnight shelters~~ shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4-B5 Business Districts where it shall be at least six hundred (600) feet from any other such facility.

~~g~~(c) Except in B4-B5 Business Districts, the facility ~~It~~ shall not be located in a planning district in which one (1) percent or more of the population lives in licensed ~~human service~~ community residential facilities, ~~licensed correctional community residential facilities, health department-licensed community residential facilities,~~ emergency housing facilities with more than four (4) adult facility residents, ~~overnight shelters,~~ shelters for battered persons, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.

~~b~~(d) The facility serves no more than sixteen (16) facility residents, except in B4-B5 Business Districts where it shall serve no more than thirty-two (32) facility residents.

~~a~~(e) It shall ~~not be located in a two-family or multifamily dwelling unless the facility occupies~~ occupy the entire structure.

~~c~~(f) Except in B4-B5 Business Districts, the facility shall have a ~~the~~ minimum lot ~~size is~~ area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms, and one (1) off-street parking space for every two (2) facility residents.

~~f. Preliminary licensing review by the Minnesota Department of Corrections.~~

~~h. Permission for special condition use applies to the community residential facility only as long as the number of facility residents is not increased and its purpose, licensing or location do not change and other conditions of the permit are met.~~

~~*Standards and conditions in B4-B5 Business Districts:*~~

~~a. The facility serves no more than thirty-two (32) facility residents.~~

~~b. A minimum distance of six hundred (600) feet from other licensed correctional community residential facilities, licensed human service community residential facilities, transitional housing, shelters for battered persons, emergency housing, health department-licensed community residential facilities or overnight shelters.~~

~~c. It shall occupy the entire structure.~~

~~d. Preliminary licensing review by the Minnesota Department of Corrections.~~

~~e. Permission for special conditions use applies to the facility only as long as the number of facility residents is not increased and its purpose, licensing or location do not change, and all other conditions of the permit are met.~~

Sec. 65.155. Community residential facility, health department licensed.

One (1) main building, or portion thereof, on one (1) zoning lot which is licensed by the commissioner of health as a rooming and/or boardinghouse and receives fifty (50) percent or more of its residents under a contract or other arrangement with the state or a local government human services agency to provide lodging for people who are mentally ill or chemically dependent.

Standards and conditions ~~in RM1-RM3 Residential and B2-B3 Business Districts for health department-licensed community residential facilities and emergency housing facilities~~:

(a)~~d~~ The facility shall be a minimum distance of one thousand three hundred twenty (1,320) ~~radial~~ feet from any other ~~health department-~~licensed community residential facility~~ies~~, emergency housing facility~~ies~~, ~~transitional housing or~~ shelter~~s~~ for battered persons with more than four (4) adult facility residents, ~~licensed human service community residential facilities, licensed correctional community residential facilities or~~ overnight shelter~~s~~, or transitional housing facility with more than four (4) adult facility residents, except in B4-B5 Business Districts where it shall be at least six hundred (600) feet from any other such facility.

(b)~~f~~ Except in B4-B5 Business Districts, the facility ~~It~~ shall not be located in a planning district in which one (1) percent or more of the population lives in licensed ~~human service~~ community residential facilities, ~~licensed correctional community residential facilities, health department-licensed community residential facilities,~~ emergency housing facilities, ~~overnight shelters,~~ shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.

~~b~~(c) The facility shall serve~~s~~ no more than sixteen (16) adult facility residents and minor children in their care, except in B4-B5 Business Districts where it shall serve no more than thirty-two (32) total facility residents.

~~a~~(d) The facility ~~It~~ shall not be located in a two-family or multifamily dwelling unless ~~the facility~~ it occupies the entire structure.

~~c~~(e) Except in B4-B5 Business Districts, the facility shall have a minimum lot ~~size is~~ area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each ~~g~~guest room in excess of two (2) guest rooms, and one (1) off-street parking space for every facility resident.

~~g. Permission for special condition use applies to the community residential facility only as long as the number of facility residents is not increased and its purpose or location do not change and the other conditions of the permit are met.~~

~~*Standards and conditions in B4-B5 Business Districts for health department-licensed community residential facilities and emergency housing facilities:*~~

~~a. The facility serves no more than thirty-two (32) facility residents.~~

~~b. A minimum distance of six hundred (600) feet from other health department-licensed community residential facilities, emergency housing facilities, transitional housing or shelters for battered persons, licensed human service community residential facilities, licensed correctional community residential facilities or overnight shelters.~~

~~c. Permission for special condition use applies to the community residential facility only as long as the number of facility residents is not increased or purpose or location do not change and other conditions of the permit are met.~~

Sec. 65.156. Emergency housing facility.

One (1) main building, or portion thereof, on one (1) zoning lot where persons who do not have housing live on a 24-hour-per-day basis until more permanent arrangements can be made, but generally for no longer than thirty (30) days.

Standards and conditions:

See *Sec. 65.155. Community residential facility, health department licensed*, standards and conditions (a)-(e).

Sec. 65.157. Overnight shelter.

One (1) main building, or portions thereof, on one (1) zoning lot where persons receive overnight shelter, but are not expected or permitted to remain on a 24-hour-per-day basis.

Condition:

The facility shall be a minimum distance of six hundred (600) feet from any other overnight shelter~~s~~, licensed ~~human service~~ community residential facility~~ies~~, ~~licensed correctional community residential facilities, health department-licensed community residential facilities, transitional housing,~~ emergency housing facility, shelter~~s~~ for battered persons with more than four (4) adult facility residents, ~~and emergency housing~~ or transitional housing facility with more than four (4) adult facility residents.

Sec. 65.158. Shelter for battered persons.

One (1) main building, or portion thereof, on one (1) zoning lot where adults and children who have suffered assault or battery live on a 24-hour-per-day basis for a period of time generally not to exceed thirty (30) days and are served by a program certified by the Minnesota Department of Corrections.

Standards and conditions for shelters for battered persons serving more than four (4) adult facility residents and minor children in their care:

(a) In Residential, TN1-TN3 Traditional Neighborhood and OS-B2 Business Districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care.

(b)~~a~~ In Residential Districts, the facility~~ies~~ shall be ~~located~~ a minimum distance of one thousand three hundred twenty (1,320) feet from any other shelter~~s~~ for battered persons with more than four (4) adult facility residents, ~~transitional housing facilities,~~ licensed ~~human service~~ community residential facility~~ies~~, ~~licensed correctional community residential facilities,~~ emergency housing facility~~ies~~, ~~health department-licensed community residential facilities or~~ overnight shelter~~s~~, or transitional housing facility with more than four (4) adult facility residents.

(c) Except in B4-B5 Business Districts, the facility ~~It~~ shall not be located in a planning district in which one (1) percent or more of the population lives in licensed ~~human service~~ community residential facilities, ~~licensed correctional community residential facilities, health department-licensed community residential facilities,~~ emergency housing facilities, ~~overnight shelters,~~ shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.

(d) In RL-RT2 Residential, TN1-TN3 Traditional Neighborhood, OS-B3 Business and IR - I2 Industrial Districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.

(e)~~b~~ The facility ~~It~~ shall not be located in a two-family or multifamily dwelling unless ~~the facility~~ it occupies the entire structure.

~~d. Permission for special condition use applies only as long as the number of facility residents is not increased and its purpose or location do not change and other conditions of the permit are met.~~

~~*Standards and conditions in RM1-RM2 Residential Districts for licensed human service residential facilities, shelters for battered persons, and transitional housing for seventeen (17) or more facility residents, roominghouses and boardinghouses:*~~

(f)~~a~~ In residential districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet ~~be provided for the first two (2) guest rooms and~~ plus one thousand (1,000) square feet for each ~~additional~~ guest room in excess of two (2) guest rooms, and one (1) off-street parking space for every two (2) facility residents.

~~b. One (1) off-street parking space for every two (2) facility residents.~~

~~*Condition in OS1-B3 Business districts for shelters for battered persons or transitional housing serving sixteen (16) or fewer facility residents:*~~

~~Facilities shall not be located in a planning district in which one (1) percent or more of the population lives in licensed human service community residential facilities, licensed correctional community residential facilities, health department-licensed community residential facilities, transitional housing, shelters for battered persons, emergency housing or overnight shelters.~~

Sec. 65.159. Transitional housing facility.

One (1) main building, or portion thereof, on one (1) zoning lot where persons who may or may not have access to traditional or permanent housing but are capable of living independently within a reasonable period of time, generally about eighteen (18) months, reside on a 24-hour-per-day basis for at least thirty (30) days and participate in appropriate program activities designed to facilitate independent living.

Standards and conditions for transitional housing facilities serving more than four (4) adult facility residents and minor children in their care:

(a) In Residential, TN1-TN3 Traditional Neighborhood and OS-B2 Business Districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care.

(b)~~a~~ In RL-RT2 Residential Districts, the facility~~ies~~ shall be ~~located~~ a minimum distance of one thousand three hundred twenty (1,320) feet from any other transitional housing facility~~ies~~ with more than four (4) adult facility residents, ~~shelters,~~ licensed ~~human service~~ community residential facility~~ies~~, ~~licensed correctional community residential facilities,~~ emergency housing facility~~ies~~, ~~health department-licensed community residential facilities~~ shelter for battered persons with more than four (4) adult facility residents, or overnight shelter~~s~~.

~~b. Permission for special condition use applies only as long as the number of facility residents is not increased and its purpose or location do not change and other conditions of the permit are met.~~

~~*Standards and Conditions in the RT2 Residential District for transitional housing facilities serving seven (7) to sixteen (16) adult facility residents and minor children in their care:*~~

~~b. A minimum distance of one thousand three hundred twenty (1,320) radial feet from other transitional housing or shelters for battered persons, licensed human service community residential facilities, licensed correctional community residential facilities, emergency housing, health department-licensed community residential facilities or overnight shelters.~~

(c)~~d~~ Except in B4-B5 Business Districts, the facility ~~It~~ shall not be located in a planning district in which one (1) percent or more of the population lives in licensed ~~human service~~ community residential facilities, ~~licensed correctional community residential facilities, health department-licensed community residential facilities,~~ emergency housing facilities, ~~overnight shelters,~~ shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.

(d) In RL-RT1 Residential Districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 Residential, TN1-TN3 Traditional Neighborhood, OS-B3 Business and IR-I2 Industrial Districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.

(e)~~a~~ In RL-RT2 Residential Districts, the facility ~~It~~ shall not be located in a two-family or multifamily dwelling unless ~~the facility~~ it occupies the entire structure.

(f)~~c~~ In residential districts, one (1) off-street parking space shall be provided for every two (2) facility residents.

~~c. Permission for special condition use applies only as long as the number of facility residents is not increased and its purpose or location do not change and other conditions of the permit are met.~~

~~*Standards and conditions in RM1-RM2 Residential Districts for transitional housing serving five (5) to sixteen (16) adult facility residents and minor children in their care and shelters for battered persons serving five (5) to sixteen (16) adult facility residents and minor children in their care:*~~

~~a. One (1) off-street parking space for every two (2) facility residents.~~

~~b. It shall not be located in a planning district in which one (1) percent or more of the population lives in licensed human service community residential facilities, licensed correctional community residential facilities, health department-licensed community residential facilities, emergency housing facilities, overnight shelters, shelters for battered persons and/or transitional housing facilities.~~

~~c. Permission for special condition use applies only as long as the number of facility residents is not increased and its purpose or location do not change and other conditions of the permit are met.~~

~~*Standards and conditions in RM1-RM2 Residential Districts for licensed human service residential facilities, shelters for battered persons, and transitional housing for seventeen (17) or more facility residents, roominghouses and boardinghouses:*~~

(g)~~a~~ In Residential Districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet ~~be provided for the first two (2) guest rooms and~~ plus one thousand (1,000) square feet for each ~~additional~~ guest room in excess of two (2) guest rooms.

~~b. One (1) off-street parking space for every two (2) facility residents.~~

Secs. 65.160 - 65.169. Reserved.

Sec. 65.170. Boardinghouse.

Any roominghouse which provides meals to its roomers.

Sec. 65.171. Roominghouse.

(1) Any residential structure or dwelling unit, supervised or not, which provides living and sleeping arrangements for more than four (4) unrelated individuals for periods of one week or longer; or

(2) Any residential structure or dwelling unit which provides single room occupancy (SRO) housing as defined in CFR Section 882.102 to more than four (4) unrelated individuals; or

(3) Any building housing more than four (4) unrelated individuals which has any of the following characteristics shall be considered and regulated as a roominghouse:

a. Rental arrangements are by the rooming unit rather than the dwelling unit.

b. Rooming unit doors are equipped with outer door locks or chains which require different keys to gain entrance.

c. Kitchen facilities may be provided for joint or common use by the occupants of more than one rooming unit.

d. Rooming units are equipped with telephones having exclusive phone numbers.

e. Rooming units are equipped with individual intercom security devices.

f. Each rooming unit has a separate assigned mailbox or mailbox compartment for receipt of U.S. mail.

Standards and conditions, except in B4-B5 Business ~~RM1-RM2 Residential~~ Districts:

(a) A minimum lot area of five thousand (5,000) square feet ~~be provided for the first two (2) guest rooms and~~ plus one thousand (1,000) square feet for each ~~additional~~ guest room in excess of two (2) guest rooms.

(b) One (1) off-street parking space for every two (2) facility residents.

Secs. 65.172 - 65.179. Reserved.

Sec. 65.180. Assisted living.

A facility licensed by the Minnesota Department of Health where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.

Standards and conditions:

See *Sec. 65.182. Nursing home*.

Sec. 65.181. Boarding care home.

A building or structure where aged or infirm persons reside on a twenty-four-hour basis in order to receive custodial care and related personal services; for purposes of this code, the same as a nursing home.

Sec. 65.182. Nursing home.

A building or structure where aged or infirm persons reside on a twenty-four (24) hour basis in order to receive nursing care and related services.

Standards and conditions:

(a) The yard requirements for multiple-family use in the district apply.

(b) In Traditional Neighborhood Development Districts, a facility located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

(c) In Traditional Neighborhood Development Districts, the site shall contain a minimum of one hundred fifty (150) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.

Sec. 65.183. Hospice.

One (1) main building, or portion thereof, on one (1) zoning lot in which terminally ill persons live in order to receive appropriate Medicare-certified hospice services.

Standards and conditions:

(a) A conditional use permit is required for hospices serving seventeen (17) or more facility residents.

(b) In RL-RT1 Residential Districts, the facility shall serve six (6) or fewer facility residents. In RT2-RM1 Residential and OS-B3 Business Districts, the facility shall serve sixteen (16) or fewer facility residents.

(c) The yard requirements for multiple-family use in the district apply.

Secs. 65.184 - 65.189. Reserved.

Sec. 65.190. Dormitory.

A building designed for or used as group living quarters for students of a high school, college, university or seminary, organized and owned by a high school, college, university or seminary.

Standards and conditions:

(a) In Residential and TN1 Traditional Neighborhood Districts, a conditional use permit is required for off-campus dormitories.

(b) The use must be within two hundred fifty (250) feet of the campus of the institution it serves, for a college, university, seminary or other such institution of higher learning as established in a conditional use permit. In RL-R4 Residential Districts, the use shall be on the campus.

(c) The yard requirements for multiple-family use in the district apply when the use is not located on a campus established in a conditional use permit.

Sec. 65.191. Fraternity, sorority ~~house~~.

A building used as group living quarters for students of a college, university or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university or seminary.

Standards and conditions:

(a) In Residential and TN1 Traditional Neighborhood Districts, a conditional use permit is required for off-campus fraternities and sororities.

(b) The use must be within two hundred fifty (250) feet of the campus boundary as established in the conditional use permit for the institution it serves. In RL-R4 Residential Districts, the use shall be on the campus.

(c)~~a~~ If it is outside of the campus boundary, the ~~proposed~~ use must be located in an existing structure designed and built as a one- or two-family dwelling ~~unit~~ or new structure that meets the height, density and setback requirements for a two-family dwelling ~~units if it is outside of the campus boundary but within two hundred fifty (250) feet of it~~.

~~b. Off-street parking provided must be consistent with the requirements specified in sections 62.103 and 62.104(12).~~

~~**Sorority house.**~~

~~A building used as group living quarters for students of a college, university or seminary, who are members of a sorority that has been officially recognized by the college, university or seminary.~~

ARTICLE III. 65.200. CIVIC AND INSTITUTIONAL USES

Division 1. 65.210. Educational Facilities

Sec. 65.211. Day care.

The care of one or more children on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the child's own dwelling unit. Day care includes family day care, group family day care and group day care, as hereinafter defined.

(1) *Family Day Care.* A day care program providing care for not more than ten (10) children at one time, and which is licensed by the county as a family day care home. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(2) *Group Family Day Care.* A day care program providing care for no more than fourteen (14) children at any one time of which no more than ten (10) are under school age and which is licensed by the county as a group family day care home. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(3) *Group Day Care.* A day care program providing care for more than six (6) children at one time and licensed by the state or the city as a group day care center. Group day care includes programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers for school age children, after school programs, infant day care centers, cooperative day care centers and Head Start programs.

Standards and conditions:

(a) In RL-R4 Residential Districts, group day care for more than twelve (12) children at one time shall be located in a nonresidential structure formerly occupied by a church, school or similar facility. In industrial districts, group day care shall be accessory to a principal use permitted in the district.

(b) A fence at least three and one-half (3½) feet in height shall surround all play areas located in a front yard or adjacent to a public or private street.

Sec. 65.212. School, grades K-12.

Development standard:

The school shall offer courses in general education, and shall not be operated for profit.

Secs. 65.213 - 65.219. Reserved.

Sec. 65.220. College, university, seminary, or similar institution of higher learning.

An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and not operated for profit, which operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.

Standards and conditions except in ~~OS-B3~~ B4-B5 Business Districts:

~~a. Dormitories or other group student housing shall not be permitted within the district;~~

(a)~~b~~ When an institution is established~~in the district~~, ~~the institution~~ it shall ~~be required to~~ provide the minimum number of off-street parking spaces required by this code ~~for employees, staff, or students as set forth in section 62.103(g)~~. The institution shall be required to provide additional parking spaces only when the minimum number of parking spaces will have to be increased due to a more than ten (10) percent or three hundred (300) gain in the total number of employees, staff and ~~or~~ students, whichever is less. Thereafter, additional parking spaces will have to be provided for each subsequent gain of more than ten (10) percent or three hundred (300) in the total number of employees, staff or students~~; and c~~. To determine compliance with parking requirements in ~~item b. above~~, the institution must file an annual report with the planning administrator stating the number of employees, staff and students associated with the institution.

~~*Standards and conditions in RL-RM3 Residential Districts:*~~

(b)~~f~~ A theater, auditorium or sports arena located on a college, university or seminary campus must provide off-street parking within six hundred (600) feet of the building to be served as measured from a principal entrance to the building to the nearest point of the off-street parking facility, and also provide the number of parking spaces specified in section 63~~2~~.200~~103~~. The planning commission, after public hearing, may determine that the existing parking provided by the institution for students, employees and dormitory beds meets this parking requirement based upon the following:

(1)~~.~~ The spaces are within six hundred (600) feet of the building they are intended to serve, as measured from a principal entrance to the building to the nearest point of the off-street parking lot; and

(2)~~.~~ It can be demonstrated by the institution that the spaces are not needed by students and employees during times when events attracting nonstudents and nonemployees are to be held.

Additional standards and conditions in Residential Districts:

(c)~~a~~ The campus boundary as defined under subparagraph ~~d~~(f) below at some point shall be adjacent to a major thoroughfare as designated on the major thoroughfare plan.

(d)~~b~~ Buildings shall be set back a minimum of fifty (50) feet from every property line, plus an additional two (2) feet for every foot the building's height exceeds fifty (50) feet.

(e)~~c~~ On a campus of five (5) acres or more, no building shall exceed ninety (90) feet in height; on a campus smaller than five (5) acres, no building shall exceed forty (40) feet in height.

(f)~~d~~ The boundaries of the institution shall be as defined in the permit, and may not be expanded without the prior approval of the planning commission, as evidenced by an amended ~~special~~ conditional use permit. The campus that is defined by the boundaries shall be a minimum of three (3) acres, and all property within the campus boundaries must be contiguous.

The applicant shall submit an "anticipated growth and development statement" for approval of a new or expanded campus boundary, which statement shall include but not be limited to the following elements:

(1) Proposed new boundary or boundary expansion.

(2) Enrollment growth plans that include planned or anticipated maximum enrollment by major category (full-time, part-time, undergraduate, graduate) over the next ten (10) years and also the anticipated maximum enrollment over the next twenty (20) years.

(3) Plans for parking facilities over the next ten (10) years, including potential locations and approximate time of development.

(4) Plans for the provision of additional student housing, either on-campus or off-campus in college-controlled housing.

(5) Plans for use of land and buildings, new construction and changes affecting major open space.

(6) An analysis of the effect this expansion (or new campus) will have on the economic, social and physical well-being of the surrounding neighborhood, and how the expansion (or new campus) will benefit the broader community.

Approval of a new or expanded campus boundary shall be based on an evaluation using the general standards for ~~special~~ conditional uses found in section 61~~4.3~~500, and the following criteria:

(i) Anticipated undergraduate student enrollment growth is supported by plans for student housing that can be expected to prevent excessive increase in student housing demand in residential neighborhoods adjacent to the campus.

(ii) Potential parking sites identified in the plan are generally acceptable in terms of possible access points and anticipated traffic flows on adjacent streets.

(iii) Plans for building construction and maintenance of major open space areas indicate a sensitivity to adjacent development by maintaining or providing adequate and appropriately located open space.

(iv) The proposed new or expanded boundary and the "anticipated growth and development statement" are not in conflict with the city's comprehensive plan.

(g)~~e~~ The institution shall not exceed by more than ten (10) percent or three hundred (300), whichever is less, the student enrollment, staff and employee size and/or dormitory bed levels identified in the permit unless required off-street parking is provided and approved by the commission.

~~g. For institutions existing as of the date of adoption of this ordinance amendment by the city council, the planning commission shall issue special condition use permits, which permits shall establish the boundaries, existing off-street parking, student enrollment, staff and employee size and dormitory bed levels. In the issuance of special condition use permits, the commission shall follow the procedures set forth in section 64.300; provided, that mailed notices of a hearing to owners of record of property within three hundred fifty (350) feet of the proposed campus boundaries shall not be required.~~

Division 2. 65.230. Social, Cultural, and Recreational Facilities

Sec. 65.231. Cemetery, mausoleum.

Condition in Residential Districts:

The use shall have ~~which~~ lawfully occupied ~~land~~ the property at the time of adoption of this code.

Sec. 65.232. Club.

An organization of persons for special purpose or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit, excluding churches, synagogues or other houses of worship.

Sec. 65.233. Golf course.

Standards and conditions:

(a) The site shall be so planned as to provide principal access directly onto or from a major thoroughfare ~~as designated on the major thoroughfare plan.~~ [in definition] ~~b. The site plan shall be laid out~~, and to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas ~~which will~~ that encourages pedestrian and vehicular traffic safety.

(b~~c~~) Development features, including the principal and accessory buildings and structures, shall be ~~so~~ located and related so as to minimize the possibilities of any adverse effects upon adjacent property. All principal or accessory buildings or structures shall be situated at least two hundred (200) feet from any property line abutting residentially zoned or used lands; provided, that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement.

(c~~d~~) In residential districts, the course shall consist of at least nine (9) holes and shall not include ~~driving ranges,~~ "pitch and putt" miniature golf courses.

(d~~e~~) Golf courses shall not be lighted for night use.

Sec. 65.234. Museum.

Standards and conditions:

(a) In the TN1 Traditional Neighborhood District, a conditional use permit is required for museums of more than 10,000 square feet in gross floor area.

(b) In Traditional Neighborhood Districts, a museum located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

Sec. 65.235. Recreation, noncommercial.

Recreational areas including private, noncommercial recreation areas, institutional, municipal or community recreation centers, and nonprofit swimming pool clubs.

Standards and conditions in Residential Districts:

(a) The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a major thoroughfare ~~as designated on the major thoroughfare plan~~ [in definition], and the site shall be so planned as to provide principal access directly to said major thoroughfare.

(b) All yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these minimum yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

(c) Whenever a swimming pool is constructed under this subparagraph, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

Division 3. 65.250. Religious Institutions

Sec. 65.271. Rectory, parsonage.

Condition:

The use shall be associated with a church, chapel, synagogue, temple or other similar house of worship.

Sec. 65.272. Convent, monastery, religious retreat.

Condition in Residential Districts:

The use shall be associated with a church, chapel, synagogue, temple or other similar house of worship.

ARTICLE IV. 65.300. PUBLIC SERVICES AND UTILITIES

Sec. 65.310. Antenna, cellular telephone.

A device consisting of ~~a~~ metal, carbon fibre, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of radio waves in wireless telephone communications.

Standards and conditions:

~~Sec. 60.412(16)~~ [RLL-R4] ~~Cellular telephone antennas located on an existing residential structure at least sixty (60) feet high; on a utility monopole at least sixty (60) feet high existing at the time of adoption of this amendment; [when? date?] on, and supported by, a utility lattice pole at least sixty (60) feet high existing at the time of adoption of this amendment; [when? date?] or on an existing institutional use structure, subject to the following conditions:~~

(a) In Residential Districts, a conditional use permit is required for cellular telephone antennas on a residential structure less than sixty (60) feet high. In Residential, Traditional Neighborhood and Business Districts, a conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. In Residential and Traditional Neighborhood Districts, existing utility poles to which cellular telephone antennas are attached shall be at least sixty (60) feet high.

(b)~~a.~~ In Residential, Traditional Neighborhood, and OS-B3 and B5 Business Districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached. In B4 Business and Industrial Districts, the antennas shall not extend more than forty (40) feet above the structural height of the structure to which they area attached.

~~b. Antennas located in historic districts or on historic buildings shall be subject to the review and approval of the historic preservation commission.~~

~~c. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and shall be screened from view by landscaping where appropriate.~~

~~Sec. 60.413(17)~~ [RLL-R4] ~~Cellular telephone antennas located on an existing residential structure less than sixty (60) feet high, subject to the following conditions:~~

(c)~~a.~~ For antennas proposed to be located on a residential structure less than sixty (60) feet high in Residential Districts, or on a new freestanding pole in Residential, Traditional Neighborhood, and Business Districts, the applicant shall demonstrate~~s~~ that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (½) mile radius of the proposed antennas due to one (1) or more of the following reasons:

(1)~~.~~ The planned equipment would exceed the structural capacity of the existing pole or structure.

(2)~~.~~ The planned equipment would cause interference with other existing or planned equipment on the pole or structure.

(3)~~.~~ The planned equipment cannot be accommodated at a height necessary to function reasonably.

(4)~~.~~ The owner of the existing pole, structure or building is unwilling to co-locate an antenna.

~~b. The antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached.~~ [Duplicates (b) above.]

~~c. Antennas located in historic districts or on historic buildings shall be subject to the review and approval of the heritage preservation commission.~~ [Duplicates (f) below]

~~d. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and shall be screened from view by landscaping where appropriate.~~ [Duplicates (h) below.]

~~Sec. 60.413(18)~~ [RLL-R4] ~~Cellular telephone antennas located on a freestanding pole on institutional use property, subject to the following conditions:~~

~~a. The applicant demonstrates that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (½) mile radius of the proposed antennas due to one (1) or more of the following reasons:~~

~~1. The planned equipment would exceed the structural capacity of the existing pole or structure.~~

~~2. The planned equipment would cause interference with other existing or planned equipment on the pole or structure.~~

~~3. The planned equipment cannot be accommodated at a height necessary to function reasonably.~~

~~4. The owner of the existing pole, structure or building is unwilling to co-locate an antenna.~~ [Duplicates (c).]

(d)~~b.~~ In Residential, Traditional Neighborhood and Business Districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:

(1) The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas.

(2) ~~c.~~ Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.

(3) ~~d.~~ The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision.

~~e. Antennas located in historic districts shall be subject to the review and approval of the heritage preservation commission.~~ [Duplicates (f) below.]

~~f. Freestanding poles shall be a monopole design.~~ [Duplicates (g) below.]

~~g. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and screened from view by landscaping where appropriate.~~ [Duplicates (h) below.]

(4) ~~h.~~ In Residential and Traditional Neighborhood Districts, ~~the zoning lot on which~~ the pole ~~is located~~ shall be on institutional use property at least one (1) acre in area. In Business Districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area.

~~Sec. 60.462(8)~~ [RM3] ~~Cellular telephone antennas located on an existing residential structure at least sixty (60) feet high; on a utility monopole at least sixty (60) feet high existing at the time of adoption of this amendment; on, and supported by, a utility lattice pole at least sixty (60) feet high existing at the time of adoption of this amendment; or on an existing institutional use structure as regulated in the R-1 through R-4 districts, section 60.412(16).~~ [Duplicates (a) and (b) above.]

~~Sec. 60.463(7)~~ [RM3] ~~Cellular telephone antennas located on an existing residential structure less than sixty (60) feet high, as regulated in the R-1 through R-4 districts, section 60.413(17).~~ [Covered in (a), (b) and (c) above.]

~~Sec. 60.463(8)~~ [RM3] ~~Cellular telephone antennas located on a freestanding pole on institutional use property, as regulated in the R-1 through R-4 districts, section 60.413(18).~~ [Covered in (a), (c) and (d) above.]

~~Sec. 60.512(11)~~ [OS1] ~~Cellular telephone antennas located on an existing structure, subject to the following conditions:~~

~~a. The antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached.~~ [Duplicates (b) above.]

~~b. Antennas located in historic districts or on historic buildings shall be subject to the review and approval of the heritage preservation commission.~~ [Duplicates (f) below.]

~~c. Antennas on lattice towers may be laterally supported by the tower.~~ [Unnecessary]

~~d. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and screened from view by landscaping where appropriate.~~ [Duplicates (h) below.]

~~Sec. 60.514(5)~~ [OS1] ~~Cellular telephone antennas located on a freestanding pole, subject to the following conditions:~~

~~a. The applicant demonstrates that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (½) mile radius of the proposed antennas due to one (1) or more of the following reasons:~~

~~1. The planned equipment would exceed the structural capacity of the existing pole or structure.~~

~~2. The planned equipment would cause interference with other existing or planned equipment on the pole or structure.~~

~~3. The planned equipment cannot be accommodated at a height necessary to function reasonably.~~

~~4. The owner of the existing pole, structure or building is unwilling to co-locate an antenna.~~ [Duplicates (c).]

~~b. The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas.~~

~~c. Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.~~ [Duplicates (d)(2) above.]

~~d. The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision.~~ [Duplicates (d)(3) above.]

~~e. Antennas located in historic districts shall be subject to the review and approval of the heritage preservation commission.~~ [Duplicates (f) below.]

~~f. Freestanding poles shall be a monopole design.~~ [Duplicates (g) below.]

~~g. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 62.106, and shall be screened from view by landscaping where appropriate.~~ [Duplicates (h) below.]

~~h. The zoning lot on which the pole is located shall be within contiguous property with OS-1 or less restrictive zoning and at least one (1) acre in area.~~ [Moved to (d)(4) above.]

~~Sec. 60.534(3)~~ [B1] ~~Cellular telephone antennas located on a freestanding pole, as regulated in the OS-1 district, section 60.514(6)a. through g.~~ [Covered in (a), (c) and (d) above and (f), (g) and (h) below.]

~~Sec. 60.554(2)a.~~ [B-2C] ~~The special conditions imposed for each use in the B-2 Community Business District, except that cellular antennas located on a freestanding pole shall be subject to the additional conditions that the zoning lot on which the pole is located shall be within contiguous property zoned B-2C and at least one (1) acre in area.~~ [In (d)(4).]

~~Sec. 60.564(20)~~ [B3] ~~Cellular telephone antennas located on a freestanding pole, as regulated in the OS-1 District, section 60.514(6)a. through g.~~ [Covered in (a), (c), (d), (f), (g), and (h).]

~~Sec. 60.572(16)~~ [B4] ~~Cellular telephone antennas located on an existing structure as permitted and regulated in the OS-1 Business District, section 60.512(8), except that antennas may extend up to forty (40) feet above the structural height of the structure to which they are attached.~~ [Covered in (b), (f) and (h).]

~~Sec. 60.574(14)~~ [B4] ~~Cellular telephone antennas located on a freestanding pole as regulated in the OS-1 Business District, section 60.514(6)a. through g.~~ [Covered in (c), (d), (f), (g) and (h).]

~~Sec. 60.613(23)~~ [I1] ~~Cellular telephone antennas located on an existing structure as permitted and regulated in the B-4 Business District, section 60.552(16).~~ [Duplicates (b) above.]

~~Sec. 60.613(24)~~ [I1] ~~Cellular telephone antennas located on a freestanding pole, subject to the following conditions:~~

(e)~~a.~~ In Industrial Districts, ~~The~~ cellular telephone antennas on a freestanding pole shall not exceed one hundred fifty (150) feet in height, shall not be located in a required front or side yard, and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.

(f)~~b.~~ Antennas located in historic districts shall be subject to review and approval of the heritage preservation commission.

(g)~~c.~~ Freestanding poles shall be a monopole design.

(h)~~d.~~ Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63~~2~~.500~~106~~, and screened from view by landscaping where appropriate.

(i) ~~Sec. 62.120. Nonuse of cellular telephone antennas.~~ Cellular telephone antennas that are no longer used for cellular telephone service shall be removed within one (1) year of nonuse.

~~(C.F. No. 97-565, § 21, 6-11-97)~~ [Moved from §62.120 to this more logical location.]

~~Sec. 60.632(3)~~ [I3] ~~Cellular telephone antennas, as permitted and regulated in the I-1 Industrial District, section 60.612(23) and (24).~~ [Covered in (b), (e), (f), (g) and (h).]

Sec. 65.311. Antenna, public utility microwave.

A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point-to-point UHF or VHF radio waves in wireless telephone communications, and including the supporting structure thereof.

Standards and conditions:

(a) The antennas, transmitting towers or array of towers shall be located on a continuous parcel having a dimension equal to the height of the antenna, transmitting tower or array of towers measured between the base of the antenna or tower located nearest to a property line, unless a qualified structural engineer shall specify in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.

(b) The ~~proposed~~ installation shall meet all requirements as outlined under section 61~~2~~.400~~108~~, site plan review.

Sec. 65.312. Antenna, radio and television, broadcast transmitting.

A wire, set of wires, metal or carbon fibre rod or other electromagnetic element used to transmit public or commercial broadcast radio or television programming, and including the supporting structure thereof.

Standards and conditions:

See *Sec. 65.311. Antenna, public utility microwave.*

Sec. 65.313. Antenna, satellite dish.

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's (television receive only), and satellite microwave antennas.

Standards and conditions:

(a) Except in Industrial Districts, commercial, private and public satellite dish transmitting or receiving antennas shall not exceed three (3) meters in diameter.

(b) In the I1 Industrial District, a conditional use permit is required for satellite dish antennas in excess of three (3) meters in diameter.

(c)~~a~~ Satellite dish antennas shall be located on zoning lots of sufficient size to assure that an obstruction-free transmit-receive window or windows can be maintained within the limits of the property ownership.

(d)~~b~~ Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the satellite dish antenna in a manner in which growth of the landscape elements will not interfere with the transmit-receive window.

(e)~~c~~ The ~~proposed~~ installation shall meet all requirements as outlined under section 61~~2~~.400~~108~~, site plan review.

Secs. 65.314 - 65.319. Reserved.

Sec. 65.320. Electric transformer or gas regulator station.

Standards and conditions in Business Districts.

There may be service yards, but there shall be no storage yards.

Sec 65.321. Municipal building or use.

Development standard in Residential, Traditional Neighborhood, and 0S-B4 Business Districts:

There shall be no outdoor storage.

Sec. 65.322. Utility or public service building.

Utility and public service buildings include such things as water and sewage pumping stations and telephone exchange buildings.

Standards and conditions in Residential, Traditional Neighborhood, and OS-B4 Business Districts:

(a) Except for off-street parking and loading, the use shall be completely enclosed within a building. There shall be no outside storage.

(b) Except in Business Districts, the application shall include substantiating evidence that operating requirements necessitate locating the use within the district in order to serve the immediate vicinity.

Secs. 65.323 - 65.329. Reserved.

Sec. 65.330. Yard waste site, commercial.

A privately owned or leased site that has been approved by the city, Ramsey County and the Minnesota Pollution Control Agency for the storage, transfer or composting of yard waste.

Standards and conditions:

See *Sec. 65.331. Yard waste site, municipal.*

Sec. 65.331. Yard waste site, municipal.

A site owned or leased by a governmental entity and approved by the city, Ramsey County and the Minnesota Pollution Control Agency for the storage, transfer or composting of yard waste.

Standards and conditions:

(a) Only yard waste and no other types of solid waste shall be accepted~~;~~.

(b~~f~~) The ~~municipal~~ yard waste site shall be located no closer than three hundred (300) feet from any residentially used property as measured from the edge of the nearest compost pile to the nearest residentially used property.

(c~~d~~) The ~~municipal~~ yard waste site shall be enclosed by fencing or shall limit vehicular and pedestrian access through the use of berms, trees or other means~~;~~. In industrial districts, the site may have greenhouses for composting yard waste.

(d~~e~~) The height of the compost pile shall be limited to no higher than fifteen (15) feet above grade~~;~~. ~~(b)~~ In residential districts, the size of the municipal yard waste site shall be limited to no more than three thousand (3,000) cubic yards of material per acre~~;~~.

(e) The site shall be maintained cleanly including the immediate removal of waste materials deposited on or near the site which cannot be composted~~; and~~.

ARTICLE V. 65.400. COMMERCIAL USES

Division 1. 65.410. Offices

Sec. 65.411. Artist's studio.

A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan or craftsperson, including persons engaged in the application, teaching or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture and writing.

Sec. 60.412. Professional office.

Professional offices include, but are not limited to, offices of accountants, architects, attorneys, auditors, bookkeepers, engineers and financial planners.

Division 2. 65.450. Medical Facilities

Sec. 65.451. Clinic, medical or dental.

An establishment where human patients who are not lodged overnight are admitted for examination and/or treatment by a group of physicians, dentists or similar professionals.

Sec. 65.452. Hospital.

An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Standards and conditions:

(a) In RM2-RM3 Residential and TN2-TN3 Traditional Neighborhood Districts, ~~for~~ hospitals~~,~~ and other similar health and medical institutions shall qualify~~ing~~ as nonprofit institutions under the laws of the State of Minnesota, and ~~b.~~ the ~~proposed~~ site shall have ~~at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan. All access to any off-street parking area shall be directly from a major thoroughfare.~~ direct access to an arterial or collector street ~~of sufficient capacity to accommodate the traffic that the use will generate shall serve the site~~.

(b)~~a~~ In RM2-RM3 Residential Districts, all such hospitals and similar health and medical institutions shall be developed only on sites consisting of at least five (5) acres in area, there shall be no height limitations placed on the principal structure, and ~~c.~~ the minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear, and side yards for all two-story structures. For every story above two (2) the minimum yard distance shall be increased by at least twenty (20) feet.

Sec. 65.453. Veterinary clinic.

An establishment for the routine examination, medical or surgical treatment and care of domestic household pets generally with overnight boarding facilities for pets in care but without kenneling of animals.

Standards and conditions:

All activity shall take place within completely enclosed buildings with soundproofing and odor control; outdoor kennels are prohibited. In Traditional Neighborhood and B2 Business Districts, there shall be no kenneling of animals not under medical treatment.

Division 3. 65.500. Retail Sales and Services

Sec. 65.510. General retail.

General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. General retail sales include but are not limited to the following:

(a) antiques and collectibles store

(b) art gallery

(c) bicycle sales and repair

(d) book store, music store

(e) clothing and accessories

(f) drugstore, pharmacy

(g) electronics sales and repair

(h) florist

(i) jewelry store

(j) hardware store

(k) news stand, magazine sales

(l) office supplies

(m) pet store

(n) photographic equipment, film developing

(o) stationery store

(p) picture framing

(q) video store

Standards and conditions:

In TN2-TN3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail, and a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area.

Sec. 65.511. Business sales and services.

Business sales and services include, but are not limited to, machinery sales and janitorial services.

Sec. 65.512. Currency exchange.

Currency exchange, as defined in Minnesota Statutes Section 53A.01, means any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or travelers' checks for a fee. "Currency exchange" does not include a person who provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed one dollar ($1.00) or one (1) percent of the value of the check or draft, whichever is greater.

Standards and conditions:

The currency exchange business shall be located at least one hundred (100) feet from any ~~residential~~ lot in a residential district or ~~at least one hundred (100) feet from any residential~~ lot occupied with a one-, two-, ~~three-, four-, townhouse,~~ or multiple-family dwelling, measured from the closest point of the building in which the business is located to the closest residential property line.

Sec. 65.513. Drive-through sales and services, primary and accessory.

Standards and conditions:

(a) Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.

(b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.

(c) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.

(d) A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.

Additional condition in the TN2 Traditional Neighborhood District:

(e) There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.

Sec. 65.514. Dry cleaning, commercial laundry.

Standards and conditions:

In Traditional Neighborhood, B1-B2 Business, and B4 Business Districts, the establishment shall deal directly with the customer, and shall serve no more than one (1) retail outlet.

Sec. 65.515. Florist.

Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building. (See *Sec. 65.510. General retail.)*

Sec. 65.516. Food and related goods sales.

Retail sales of food and related goods include the following:

(a) grocery store, supermarket

(b) butcher shop

(c) bakery

(d) candy store

(e) produce shop, or other specialty food shop

(f) retail food establishment

(g) catering

Standards and conditions:

See *Sec. 65.510. General retail.*

Sec. 65.517. Food shelf.

A place where groceries are provided at no cost to individuals in emergency situations and where such groceries are consumed off-site.

Sec. 65.518. Garden center, outdoor.

Outdoor retail sales of plants not grown on the site, lawn furniture, playground equipment, and garden supplies.

Standards and conditions in TN2-TN3 Traditional Neighborhood Districts:

(a) There shall be no exterior storage of bulk materials such as dirt, sand, gravel and building materials.

Standards and conditions in B2-B3 Business and IR-I2 Industrial Districts:

(b)~~a~~ The use is accessory to a principal use permitted in the district.

(c)~~b~~ The zoning lot on which it is located is at least twenty thousand (20,000) square feet in area.

(d)~~c~~ The use shall be located at the end or rear of the building.

Sec. 65.519. Greenhouse.

Retail business whose principal activity is the selling of plants grown on the site, which may have outside storage, growing or display, and may include sales of lawn furniture, playground equipment and garden supplies.

Standards and conditions:

(a) The storage or display of any materials or products shall meet all setback requirements of a structure.

(b) All loading and parking shall be provided off-street.

(c) The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.

Sec. 65.520. Gun shop, shooting gallery.

A gun shop is a business of any size occupied by a firearms dealer where: (a) a majority of the gross floor area is devoted to display and sales of firearms, ammunition, or both; or (b) one thousand two hundred (1,200) square feet or more of floor area are devoted to display and sales of firearms, ammunition, or both; provided, however, that a business shall not be deemed a gun shop if only during the months of September, October and November, one thousand two hundred (1,200) square feet or more of floor area is ~~are~~ devoted to display and sales of firearms, ammunition, or both; or (c) a majority of the annual gross sales of the business is derived from the sale of firearms and ammunition.

Standards and conditions:

(a) The gun shop or shooting gallery ~~is~~ shall be located at least one thousand (1,000) radial feet from any residentially zoned property and from any "protected use," defined as: a group day care center which has a business sign indicating this use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan. The distance shall be measured in a straight line from the closest point of the property line of the building in which the gun shop is located to the closest point of the property line of the protected use~~;~~.

(b) The gun shop or shooting gallery shall meet~~s~~ the required firearms dealers security standards as mandated by Minnesota Statutes, Section 624.7161.

Sec. 65.521. Liquor Store.

Standards and conditions:

See *Sec. 65.510. General retail.*

Sec. 60.522. Massage center.

A building or portion of a building which is used for offering "massage," defined as the rubbing, stroking, kneading, tapping or rolling of the body, for the purposes of pleasure, relaxation, physical fitness or beautification, offered for a fee or other valuable consideration. This definition shall include any building, room, structure, place or establishment used by the public, other than a hospital, sanatorium, rest home, nursing home, boardinghome or other institution for the hospitalization or care of human beings, duly licensed under the provisions of Minnesota Statutes, Sections 144.50 through 144.703, inclusive, where nonmedical and nonsurgical manipulation exercises or massages are practiced upon the human body for a fee or other valuable consideration by anyone not duly licensed by the State of Minnesota to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, with or without the use of mechanical, therapeutic or bathing devices, or any room or rooms from which a massage therapist is dispatched by telephone or otherwise for the purpose of giving a massage.

Secs. 65.223 - 65.224. Reserved.

Sec. 65.525. Outdoor uses, commercial.

Standards and conditions for outdoor commercial uses not otherwise allowed in the district:

The use shall not conflict with ~~the operation of the B3 Business District as to~~ off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan.

Secs. 65.226 - 65. 229. Reserved.

Sec. 65.530. Package delivery service.

A business which transports packages and articles for expedited delivery primarily in single rear axle straight trucks or smaller vehicles, where no single item weighs over one hundred fifty (150) pounds. Excludes courier services.

Sec. 65.531. Pawn shop.

A place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where such property may be redeemed by the seller in a fixed period of time or sold to the general public.

Standards and conditions:

(a) The business shall be conducted within a completely enclosed building.

(b) The building in which the business is located shall be at least one hundred and fifty (150) feet from the closest point of any residentially zoned property ~~is separated from residentially zoned property either by a public street or by a distance of one hundred fifty (150) feet measured from the building wall of the pawnshop to the nearest lot line of the residentially zoned property~~; provided, however, that this condition may be modified ~~a modification may be granted~~ pursuant to section 61~~4.3~~500 ~~from the foregoing requirement upon~~ subject to the following conditions:

(1) There is no existing pawnshop within five thousand two hundred eighty (5,280) feet of the proposed location, measured from the nearest building wall of the existing pawnshop to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.

(2) Customer entrances shall not be oriented toward residentially zoned property. Customer parking shall not be closer to residentially zoned property than the primary entrance.

(3) The location of a pawnshop at this location will not be contrary to any adopted district plan or other city program for neighborhood conservation or improvement, either residential or nonresidential.

(4) The proposed use meets all other requirements for ~~special~~ conditional use permits provided in section 61~~4.3~~500.

Sec. 65.532. Photocopying.

Standards and conditions:

In the TN1 Traditional Neighborhood District, the total floor area shall not exceed 2500 square feet. In TN2-TN3 Traditional Neighborhood Districts, the total floor area shall not exceed 10,000 square feet.

Sec. 65.533. Service business.

Service businesses include provision of services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

(a) barber and beauty shops

(b) dry-cleaning pick-up station

(c) interior decorating/upholstery

(d) locksmith

(e) mailing and packaging services

(f) radio and television service and repair

(g) shoe repair

(h) tailor shop

(i) watch repair, other small goods repair

Sec. 65.534. Service business with showroom or workshop.

Service businesses with showroom or workshop include such things as an office of a contractor (electrical, heating, air conditioning, mechanical, painter, plumber, etc.) along with a showroom and/or workshop.

Standards and conditions:

In TN2-TN3 Traditional Neighborhood Districts, the showroom or sales area shall be located at the front of the building and designed in a manner consistent with traditional storefront buildings, and total floor area shall not exceed 10,000 square feet.

Division 4. 65.600. Food and Beverages

Sec. 65.610. Brew on premises store.

A facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store.

Standards and conditions:

(a) Intoxicating liquor may not be sold or otherwise provided to customers of a brew on premises store, unless the owner of the brew on premises store holds the appropriate liquor license.

(b) Customers using the brew on premises store must be of minimum age to purchase intoxicating liquor. Intoxicating malt liquor brewed by a customer may not be sold and must be used by the customer for personal or family use.

Sec. 65.611. Coffee kiosk.

A retail food business in a freestanding building that sells coffee, or other beverages, and premade bakery goods from a drive-through window to customers seated in their automobiles for consumption off of the premises and that provides no indoor or outdoor seating.

Standards and conditions:

See *Sec. 65.710. Drive-through sales and services, primary and accessory*.

Sec. 65.612. Coffee shop, tea house.

An establishment engaged principally in the sale of coffee, tea, and other nonalcohalic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items as allowed under a Restaurant C licence..

Standards and conditions in the TN1 Traditional Neighborhood and B1Business Districts:

A conditional use permit is required for a coffee shop or tea house of more than 800 square feet in gross floor area or for an accessory cabaret. Drive through uses (primary and accessory) are prohibited.

Standards and conditions in TN2-TN3 Traditional Neighborhood Districts:

See *Sec. 65.613 Restaurant.*

Sec. 65.613. Restaurant.

A public eating place which serves a substantial portion of its food for consumption at tables or counters located on the premises. This term shall include, but not be limited to, an establishment known as a café, smorgasbord, diner or similar business. Any facilities for carry-out shall be clearly subordinate to the principal use of providing foods for consumption on the premises.

Standards and conditions:

In TN2-TN3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail, and a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area. Drive-through uses (primary or accessory) are not allowed in TN2-TN3 Traditional Neighborhood Districts unless specifically permitted by a conditional use permit.

Sec. 65.614. Restaurant, carry-out, deli.

A retail food service business, including delis, which sells ready-to-eat foods, usually in bulk quantities, primarily for consumption off the premises. A carry-out restaurant that has more than limited seating (twelve (12) or fewer seats), or seventy-five (75) square feet of patron area, shall be deemed to be a restaurant for zoning purposes.

Standards and conditions:

See *Sec. 65.613. Restaurant.*

Sec. 65.615. Restaurant, fast-food.

A public eating place, other than a carry-out restaurant, designed for rapid food delivery to customers seated in their automobiles or from a counter or drive-through window, with minimal personal service and for consumption on or off the premises. All restaurants with drive-through service are considered fast-food restaurants.

Any restaurant whose design or principal method of operation includes four (4) or more of the following characteristics shall be deemed a fast-food restaurant for zoning purposes:

(1) Forty-five (45) percent or more of the floor area is devoted to food preparation, employee work space and customer service area;

(2) A permanent menu board is provided from which to select and order food;

(3) If a chain or franchised restaurant, standardized floor plans are used over several locations;

(4) Customers pay for food before consuming it;

(5) A self-service condiment bar is provided;

(6) Trash receptacles are provided for self-service bussing;

(7) Furnishing plan indicates hard-finished, stationary seating arrangements; and

(8) Most main course food items are prepackaged rather than made to order.

Standards and conditions (except in in the B4-B5 Business Districts):

(a) Except in I1-I2 Industrial Districts, a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area, and for any establishment with drive-through service. In TN2-TN3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail.

(b) In the B2 Community Business District, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service.

(c) Drive through service shall meet the standards and conditions in *Sec. 65.513. Drive-through sales and services, primary and accessory.*

(d)~~a~~ Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property.

(e)~~b~~ Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property.

(f)~~c~~ When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted.

~~d. Site shall have a minimum of one hundred (100) feet of street frontage on its principal access street.~~

(g) Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material.

(h) A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance.

~~(g) Speaker box sounds from drive-through lanes shall not be plainly audible so as to unreasonably disturb the peace, quiet and comfort of abutting residential property.~~ [This is covered in item (b).]

(~~h~~i) A landscaped area not less than fifteen (15) percent of the impervious surface area of the lot shall be provided and maintained.

(j~~i~~) Impact on adjoining property by use of the site may not result in the following:

(1) Loud, boisterous and disturbing noise levels.

(2) Hazardous traffic conditions.

(3) Offensive, obnoxious and disturbing odors.

(4) Excessive litter.

(5) Excessive artificial lighting.

(6) Substantial decrease in adjoining property values.

Sec. 65.616. Restaurant, outdoor.

Development standard:

The use shall be accessory to an indoor restaurant or a farmers' market.

Division 5. 65.640. Commercial Recreation, Entertainment and Lodging

Sec. 65.641. Bed and breakfast residence.

A dwelling unit, located within a one- or two-family dwelling, in which ~~four (4) or fewer~~ guest rooms are rented on a nightly basis for periods of less than a week and where at least one meal is offered in connection with the provision of sleeping accommodations only.

Standards and conditions in Residential and BC Community Business (Converted) Districts:

(a) In Residential Districts, a conditional use permit is required for bed and breakfast residences with two (2) or more guest rooms, and for any bed and breakfast residence located in a two-family dwelling. In RL-R4 Residential Districts, a bed and breakfast residence may contain no more than one (1) guest room.

~~a. The guest room may be established in a one-family detached dwelling.~~

(b)~~a~~ The bed and breakfast residence may be established in a one-family detached dwelling or a two-family dwelling, located within a single main building.

~~c. The residents of the dwelling, other than the registered guests of the guest room, shall only be comprised of the following people: one (1) or two (2) people with their parents, grandparents, direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof).~~

(c)~~d~~ The guest rooms shall be contained within the principal structure.

(d)~~e~~ There shall be no more than one (1) person employed by the bed and breakfast residence who is not a resident of the dwelling.

(e)~~f~~ Dining and other facilities shall not be open to the public, but shall be used exclusively by the residents and registered guests.

(f)~~g~~ No additional exterior entrances shall be added to the structure solely for the purpose of serving guest rooms.

(g)~~b~~ The zoning lot ~~must~~ shall meet the minimum lot size for the ~~single~~one-family dwelling~~s~~ or two-family dwelling in the district in which it is located, and ~~d. The zoning lot~~ shall have a minimum size according to the following combination of dwelling units and guest rooms:

~~One-Family Dwelling~~

Dwelling~~s~~ Units	Guest Rooms	Minimum Lot Size
1	2	6,000
1	3	7,000
1	4	8,000

~~Two-Family Dwelling~~

~~Dwellings~~	~~Guest Rooms~~	~~Minimum Lot Size~~
2	1	6,000
2	2	7,000
2	3	8,000

(h)~~b~~ One-family ~~detached~~ dwellings may contain no more than four (4) guest rooms. ~~c.~~ Two-family dwellings~~, located within a single main building,~~ may contain no more than three (3) guest rooms.

(i)~~e~~ No bed and breakfast residence containing two (2) through four (4) guest rooms shall be located closer than one thousand (1,000) feet to an existing bed and breakfast residence containing two (2) through four (4) guest rooms, measured in a straight line from the zoning lot of an existing bed and breakfast residence.

~~f. The conditions of Section 60.412(15)c. through g. are met.~~

~~**Conversation/rap parlor.**~~

~~A building or portion of a building in which there is advertising, offering or selling the service of engaging in or listening to conversation, talk or discussion, regardless of whether other goods or services are also simultaneously advertised, offered or sold, and regardless of whether those other goods or services are also required to be licensed.~~

~~The term "conversation parlor" shall not include bona fide legal, medical, psychiatric, psychological or counseling services by a person or firm appropriately licensed; or bona fide educational institutions, or panels, seminars or other similar services offered by such institutions; or churches or synagogues.~~

Sec. 65.642. Dance hall~~, public~~.

Any room, place or space open to the general public ~~patronage~~ in which is carried on dancing wherein the public may participate, whether or not a charge for admission for dancing is made. (See *Sec. 65.644. Indoor recreation.*)

Sec. 65.643. Health/sport club.

A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

Sec. 65.644. Indoor recreation.

Bowling alley, billiard hall, indoor archery range, indoor tennis courts, racquet ball and hand ball courts, dance hall, electronic game room, indoor skating rink, and similar forms of indoor commercial recreation.

Development standard:

(a) The building in which the use is located shall be ~~when located~~ at least one hundred (100) feet from the closest point ~~any front, rear or side yard~~ of any residential lot in a ~~an adjacent~~ residential district ~~measured from the closest point of the building in which the use is located to the closest residential property line~~.

Additional standards and conditions in TN2-TN3 Traditional Neighborhood Districts:

(b) Primary access shall be from an arterial or collector street.

(c) Floor area shall not exceed 40,000 square feet.

Sec. 65.645. Outdoor (drive-in) theater.

Standards and conditions:

(a) The proposed internal design shall receive approval from the city engineer as to the adequacy of drainage, lighting and other technical aspects.

(b) Outdoor theaters shall abut directly upon a major thoroughfare, with ~~their points of~~ ingress and egress available only from said major thoroughfare.

(c) ~~For vehicles waiting or standing to enter the facility,~~ There shall be ~~provided for~~ off-street ~~waiting~~ stacking space for no less than fifty (50) automobiles waiting to enter the facility.

(d) The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares.

Sec. 65.646. Steam room/bathhouse facility.

A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent.

Sec. 65.647. Theater, assembly hall.

Development standard:

In Traditional Neighborhood Districts, total seating capacity shall not exceed one-thousand (1000), and the facility shall not be divided into more than three (3) separate theater/auditorium areas.

Division 6. 65.660. Adult Entertainment

Sec. 65.661. Adult use.

Adult uses include ~~adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult rap/conversation parlors, adult health/sport clubs, adult cabarets,~~ the uses defined below and other premises, enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. No obscene work shall be allowed.

Sec 65.662. Adult bookstore.

~~Adult bookstore means~~ A building or part of a building used for the barter, rental or sale of a significant portion of items consisting of (1) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities," or (2) printed matter, pictures, slides, records, audio tape, videotape, motion picture film, or CD ROMs or another form of recording if such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas." "Significant portion of items" shall mean more than fifteen (15) percent of usable floor area or more than one hundred fifty (150) square feet of floor area used for the display and barter, rental or sales of such items. No obscene work shall be allowed.

Standards and conditions:

~~Sec. 60.564(9)~~ [B3] ~~Adult bookstores, subject to the following conditions:~~

(a)~~.~~ In B3 Business and I1-I2 Industrial Districts the adult bookstore shall be located at least two thousand six hundred forty (2,640) ~~radial~~ feet from any other adult use in any municipality, and in B4-B5 Business Districts the adult bookstore shall be located at least one thousand three hundred twenty (1,320) feet from any other adult use in any municipality, measured in a straight line from the closest points of the property lines of the buildings in which the adult uses are located.

(b)~~.~~ In B3 Business and I1-I2 Industrial Districts the adult bookstore shall be located at least eight hundred (800) ~~radial~~ feet from any residentially zoned property in any municipality, and in B4-B5 Business Districts the adult bookstore shall be located at least four hundred (400) feet from any residential property in any municipality, measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest residentially zoned property line.

(c)~~.~~ In B3 Business and I1-I2 Industrial Districts the adult bookstore shall be located at least four hundred (400) ~~radial~~ feet from any protected use. In B4-B5 Business Districts the adult bookstore shall be located at least two hundred (200) feet from any protected use. "Protected use~~,~~" shall be defined as~~:~~ a building in which a majority of floor space is used for residential purposes; a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a community residential facility; a mission or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest point of the property line of the building in which is located an aforementioned protected use.

(d)~~.~~ Conditions (b)~~.~~ and/or (c)~~.~~ may be waived by the planning commission if the person applying for the waiver ~~shall~~ files with the planning administrator a consent petition which indicates approval of the proposed adult bookstore by ninety (90) percent of the property owners within eight hundred (800) ~~radial~~ feet of the lot on which the use would be located if the lot is in a B3 Business or I1-I2 Industrial District, or within four hundred (400) feet of the lot on which the use would be located if the lot is in a B4-B5 Business District.~~;~~ The planning commission~~, in considering~~ may grant such a waiver~~, shall make the following~~ upon findings~~:~~ that the proposed use will not be contrary to the public interest or injurious to nearby properties, ~~and that~~ the spirit and intent of this section will be observed; ~~that~~ the proposed use will not enlarge or encourage the development of a "skidrow" area; ~~that~~ the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and ~~that~~ all applicable regulations of this section will be observed.

(e)~~.~~ All signs shall comply with Chapter 64~~6~~ of the zoning code and with Chapters 274 and 275 of the Saint Paul Legislative Code.

(f)~~.~~ No person shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in the adult bookstore which is prohibited by any ordinance of the City of Saint Paul, the laws of the State of Minnesota, or the United States of America. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of specified materials to minors. No obscene work shall be allowed.

(g)~~.~~ The special condition use permit for the adult bookstore shall be reviewed annually to ensure that no change in use occurs and that no additional adult uses are added to the building containing the adult bookstore.

(h)~~.~~ The adult bookstore is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) ~~radial~~ feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

(i)~~.~~ The adult bookstore shall not be located within a building also used for residential purposes.

Sec. 65.663. Adult cabaret.

A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas." No obscene work shall be allowed.

Standards and conditions:

~~(10)~~ Adult cabarets~~,~~ shall be subject to the same standards and conditions listed above in ~~subsection (9)~~ section 65.662 for adult bookstores, with the substitution of the phrase "adult cabaret" for the phrase "adult bookstore" wherever it appears. The adult cabaret is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) ~~radial~~ feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4 and B5 Districts.

Sec. 65.664. Adult conversation/rap parlor.

A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." No obscene work shall be allowed.

Standards and conditions:

~~(11)~~ Adult conversation/rap parlors~~,~~ shall be subject to the same standards and conditions listed above in ~~subsection (9)~~ section 65.662 for adult bookstores, with the substitution of the phrase "adult conversation/rap parlor" for the phrase "adult bookstore" wherever it appears. The adult conversation/rap parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) ~~radial~~ feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.665. Adult health/sport club.

A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." No obscene work shall be allowed.

Standards and conditions:

~~(12)~~ Adult health/sports clubs~~,~~ shall be subject to the same standards and conditions listed above in ~~subsection (9)~~ section 65.662 for adult bookstores, with the substitution of the phrase "adult health/sports club" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) ~~radial~~ feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.666. Adult massage parlor.

A massage parlor which restricts minors by reason of age, or which provides the service of "massage," if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." No obscene work shall be allowed.

Standards and conditions:

~~(13)~~ Adult massage parlors~~,~~ shall be subject to the same standards and conditions listed above in ~~subsection (9)~~ section 65.662 for adult bookstores, with the substitution of the phrase "adult massage parlor" for the phrase "adult bookstore" wherever it appears. The adult massage parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) ~~radial~~ feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.667. Adult mini-motion picture theater.

A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein. No obscene work shall be allowed.

Standards and conditions:

~~(14)~~ Adult mini-motion picture theaters~~,~~ shall be subject to the same standards and conditions listed above in ~~subsection (9)~~ section 65.662 for adult bookstores, with the substitution of the phrase "adult mini-motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult mini-motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) ~~radial~~ feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.668. Adult motion picture theater.

A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein. No obscene work shall be allowed.

Standards and conditions:

~~(15)~~ Adult motion picture theaters~~,~~ shall be subject to the same standards and conditions listed above in ~~subsection (9)~~ section 65.662 for adult bookstores, with the substitution of the phrase "adult motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) ~~radial~~

feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.669. Adult steam room/bathhouse facility.

A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." No obscene work shall be allowed.

Standards and conditions:

~~(16)~~ Adult steam room/bathhouse facilities~~,~~ shall be subject to the same standards and conditions listed above in ~~subsection (9)~~ section 65.662 for adult bookstores, with the substitution of the phrase "adult steam room/bathhouse facility" for the phrase "adult bookstore" wherever it appears. The adult steam room/bathhouse facility is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) ~~radial~~ feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

Sec. 65.670. Adult use, general.

A premises, enterprise, business or place, not specifically defined above, open to some or all members of the public at or which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. No obscene work shall be allowed.

Standards and conditions:

~~(17)~~ General ~~Other~~ adult uses~~,~~ shall be subject to the same standards and conditions listed above in ~~subsection (9)~~ section 65.662 for adult bookstores, with the substitution of the phrase "general ~~other~~ adult use" for the phrase "adult bookstore" wherever it appears. The general ~~other~~ adult use is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced at least two thousand six hundred forty (2,640) ~~radial~~ feet apart in B3 Business and I1-I2 Industrial Districts, and at least one thousand three hundred twenty (1,320) feet apart in B4-B5 Business Districts.

~~Sec. 60.574(4)~~ [B4] ~~Adult bookstores, subject to the following conditions:~~

~~a. The adult bookstore shall be located at least one thousand three hundred twenty (1,320) radial feet from any other adult use in any municipality measured in a straight line from the closest points of the property lines of the buildings in which the adult uses are located.~~

~~b. The adult bookstore shall be located at least four hundred (400) radial feet from any residentially zoned property in any municipality, measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest residentially zoned property line.~~

~~c. The adult bookstore shall be located at least two hundred (200) radial feet from any "protected use," defined as: A building in which a majority of floor space is used for residential purposes; a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a community residential facility; a mission or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest point of the property line of the building in which is located an aforementioned protected use.~~

~~d. Conditions b. and/or c. may be waived by the planning commission if the person applying for the waiver shall file with the planning administrator a consent petition which indicates approval of the proposed adult use by ninety (90) percent of the property owners within four hundred (400) radial feet of the lot on which the use would be located. The planning commission, in considering such a waiver, shall make the following findings: That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed; that the proposed use will not enlarge or encourage the development of a "skidrow" area; that the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and that all applicable regulations of this section will be observed.~~

~~e. All signs shall comply with Chapter 66 of the Zoning code and with Chapters 274 and 275 of the Saint Paul Legislative Code.~~

~~f. No person shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in the adult bookstore which is prohibited by any ordinance of the City of Saint Paul, the laws of the State of Minnesota, or the United States of America. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors. No obscene work shall be allowed.~~

~~g. The special condition use permit for the adult bookstore shall be reviewed annually to ensure that no change in use occurs and that no additional adult uses are added to the building containing the adult bookstore.~~

~~h. The adult bookstore is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~i. The adult bookstore shall not be located within a building also used for residential purposes.~~

~~(5) Adult cabarets, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult cabaret" for the phrase "adult bookstore" wherever it appears. The adult cabaret is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(6) Adult conversation/rap parlors, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult conversation/rap parlor" for the phrase "adult bookstore" wherever it appears. The adult conversation/rap parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(7) Adult health/sports clubs, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult health/sports club" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(8) Adult massage parlors, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult massage parlor" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(9) Adult mini-motion picture theaters, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult mini-motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult mini-motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(10) Adult motion picture theaters, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(11) Adult steam room/bathhouse facilities, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult steam room/bathhouse facility" for the phrase "adult bookstore" wherever it appears. The adult steam room/bathhouse facility is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(12) Other adult uses, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "other adult use" for the phrase "adult bookstore" wherever it appears. The other adult use is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~Sec. 60.584(3)~~ [B5] ~~Adult bookstores, subject to the following conditions:~~

~~a. The adult bookstore shall be located at least one thousand three hundred twenty (1,320) radial feet from any other adult use in any municipality measured in a straight line from the closest points of the property lines of the buildings in which the adult uses are located.~~

~~b. The adult bookstore shall be located at least four hundred (400) radial feet from any residentially zoned property in any municipality, measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest residentially zoned property line.~~

~~c. The adult bookstore shall be located at least two hundred (200) radial feet from any "protected use," defined as: A building in which a majority of floor space is used for residential purposes; a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a community residential facility; a mission or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest point of the property line of the building in which is located an aforementioned protected use.~~

~~d. Conditions b. and/or c. may be waived by the planning commission if the person applying for the waiver shall file with the planning administrator a consent petition which indicates approval of the proposed adult use by ninety (90) percent of the property owners within four hundred (400) radial feet of the lot on which the use would be located. The planning commission, in considering such a waiver, shall make the following findings: That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed; that the proposed use will not enlarge or encourage the development of a "skidrow" area; that the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and that all applicable regulations of this section will be observed.~~

~~e. All signs shall comply with Chapter 66 of the zoning code and with Chapters 274 and 275 of the Saint Paul Legislative Code.~~

~~f. No person shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in the adult bookstore which is prohibited by any ordinance of the City of Saint Paul, the laws of the State of Minnesota, or the United States of America. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors. No obscene work shall be allowed.~~

~~g. The special condition use permit for the adult bookstore shall be reviewed annually to ensure that no change in use occurs and that no additional adult uses are added to the building containing the adult bookstore.~~

~~h. The adult bookstore is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~i. The adult bookstore shall not be located within a building also used for residential purposes.~~

~~(4) Adult cabarets, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult cabaret" for the phrase "adult bookstore" wherever it appears. The adult cabaret is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(5) Adult conversation/rap parlors, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult conversation/rap parlor" for the phrase "adult bookstore" wherever it appears. The adult conversation/rap parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(6) Adult health/sports clubs, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult health/sports club" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(7) Adult massage parlors, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult massage parlor" for the phrase "adult bookstore" wherever it appears. The adult massage parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(8) Adult mini-motion picture theaters, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult mini-motion picture theater" for the phrase "adult bookstore"~~

~~wherever it appears. The adult mini-motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(9) Adult motion picture theaters, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(10) Adult steam room/bathhouse facilities, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "adult steam room/bathhouse facility" for the phrase "adult bookstore" wherever it appears. The adult steam room/bathhouse facility is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~(11) Other adult uses, subject to the same conditions listed above in subsection (3) for adult bookstores, with the substitution of the phrase "other adult use" for the phrase "adult bookstore" wherever it appears. The other adult use is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced one thousand three hundred twenty (1,320) radial feet apart.~~

~~Sec. 60.624(4)~~ [I2] ~~Adult bookstores, subject to the following conditions:~~

~~a. The adult bookstore shall be located at least two thousand six hundred forty (2,640) radial feet from any other adult use in any municipality measured in a straight line from the closest points of the property lines of the buildings in which the adult uses are located.~~

~~b. The adult bookstore shall be located at least eight hundred (800) radial feet from any residentially zoned property in any municipality, measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest residentially zoned property line.~~

~~c. The adult bookstore shall be located at least four hundred (400) radial feet from any "protected use," defined as: A building in which a majority of floor space is used for residential purposes; a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a community residential facility; a mission or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest point of the property line of the building in which is located an aforementioned protected use.~~

~~d. Conditions b. and/or c. may be waived by the planning commission if the person applying for the waiver shall file with the planning administrator a consent petition which indicates approval of the proposed adult bookstore by ninety (90) percent of the property owners within eight hundred (800) radial feet of the lot on which the use would be located. The planning commission, in considering such a waiver, shall make the following findings: That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed; that the proposed use will not enlarge or encourage the development of a "skidrow" area; that the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and that all applicable regulations of this section will be observed.~~

~~e. All signs shall comply with Chapter 66 of the zoning code and with Chapters 274 and 275 of the Saint Paul Legislative Code.~~

~~f. No person shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in the adult bookstore which is prohibited by any ordinance of the City of Saint Paul, the laws of the State of Minnesota, or the United States of America. Nothing in this section shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of specified materials to minors. No obscene work shall be allowed.~~

~~g. The special condition use permit for the adult bookstore shall be reviewed annually to ensure that no change in use occurs and that no additional adult uses are added to the building containing the adult bookstore.~~

~~h. The adult bookstore is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

~~i. The adult bookstore shall not be located within a building also used for residential purposes.~~

~~(5) Adult cabarets, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult cabaret" for the phrase "adult bookstore" wherever it appears. The adult cabaret is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

~~(6) Adult conversation/rap parlors subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult conversation/rap parlor" for the phrase "adult bookstore" wherever it appears. The adult conversation/rap parlor is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

~~(7) Adult health/sports clubs, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult health/sports club" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

~~(8) Adult massage parlors, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult massage parlor" for the phrase "adult bookstore" wherever it appears. The adult health/sports club is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

~~(9) Adult mini-motion picture theaters, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult mini-motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult mini-motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

~~(10) Adult motion picture theaters, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult motion picture theater" for the phrase "adult bookstore" wherever it appears. The adult motion picture theater is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

~~(11) Adult steam room/bathhouse facilities, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "adult steam room/bathhouse facility" for the phrase "adult bookstore" wherever it appears. The adult steam room/bathhouse facility is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

~~(12) Other adult uses, subject to the same conditions listed above in subsection (4) for adult bookstores, with the substitution of the phrase "other adult use" for the phrase "adult bookstore" wherever it appears. The other adult use is considered to be one (1) use. No two (2) adult uses can be in the same building but must be spaced two thousand six hundred forty (2,640) radial feet apart.~~

Division 7. 65.700. Automobile Services

Sec. 65.701. Auto body shop.

A shop in the business of making substantial repairs to the shell or body of any automobile, and of major or substantial painting of the shell or body, and where the following services may also be carried out: general auto repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating.

Sec. 65.702. Auto convenience market.

A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

Standards and conditions:

(a) The use is subject to standards and conditions (a), (b), (d), (e), and (f) in *Sec. 65.703. Auto service station.*

(b) The zoning lot on which it is located shall be at least twelve thousand (12,000) square feet in area.

Sec. 65.703. Auto service station.

A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are retailed directly to the public on the premises and/or where the servicing or minor repair of automobiles may occur.

Standards and conditions:

(a) The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities ~~used in conjunction with the operation of the auto service station~~ shall be in accordance with current city specifications. Such specifications shall be developed by the ~~city~~ planning ~~coordinator~~ administrator, traffic engineer and city fire marshal, and shall be approved by the planning commission, and filed with the city clerk.

(b) A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or ~~adjoining vacant land zoned for~~ residentially zoned property ~~use~~.

(c) The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Auto service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for incidental servicing of automobiles (including lubricating facilities) ~~and auto convenience markets~~ may be permitted on a lot of twelve thousand (12,000) square feet, subject to all other provisions herein required.

Additional standards and conditions in Traditional Neighborhood Districts:

(d) All vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces in compliance with section 63.301.

(e) The principal building shall comply with the dimensional standards and design guidelines applicable to Traditional Neighborhood Districts, except that the maximum setback requirement may be modified by the planning commission so that pump islands may be placed in front of the building if this arrangement is considered preferable for circulation, aesthetics or buffering of neighboring uses.

(f) There shall be no exterior storage or sales of goods or equipment, other than the dispensing of motor fuel.

Sec. 65.704. Auto specialty store.

A store in the business of repairing or servicing automobiles usually involving the installation of specific parts and the provisions of specific services, and where the retail sale of specific auto accessories to the public on the premises may occur. Retail sale of automobile fuel on the premises is not permitted.

Standards and conditions:

See *Sec. 65.703. Auto service station*.

Sec. 65.705. Auto repair station.

A place where the following services may be carried out: general ~~auto~~ repair of automobiles, trucks, motorcycles, boats, etc. ; engine rebuilding; and rebuilding or reconditioning of motor vehicles. The sale of engine fuels may or may not also be carried on.

Standards and conditions:

(a) The minimum lot area shall be fifteen thousand (15,000) square feet.

(b) A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjoining an existing residence or adjoining land zoned residential.

(c) All repair work shall be done within an enclosed building.

(d) There shall be no outside storage.

Sec. 65.706. Auto sales and rental, outdoor.

Outdoor sales space for the sale or rental of new, secondhand, or pawned automobiles, trucks, motorcycles, trailers, or boats.

Standards and conditions:

(a) The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.

(b) Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.

(c) No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.

(d) The minimum lot area shall be fifteen thousand (15,000) square feet. A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking.

(e) In the case of pawnbrokers, the businesses shall be separated from residentially zoned property ~~by a public street or~~ by a distance of one hundred fifty (150) feet measured from property line to property line; provided, however, that a modification may be granted pursuant to section 61~~4.3~~500 from the foregoing requirement upon the following conditions:

(1) There is no existing pawnshop with in five thousand two hundred eighty (5,280) feet of the proposed location, measured from the nearest building wall of the existing pawnshop to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.

(2) Customer entrances shall not be oriented toward residentially zoned property. Customer parking shall not be closer to residentially zoned property than the primary entrance.

(3) The location of a pawnshop at this location will not be contrary to any adopted district plan or other city program for neighborhood conservation or improvement, either residential or nonresidential.

(4) The proposed use meets all other requirements for ~~special~~ conditional use permits provided in section 61~~4.3~~500.

Sec. 65.707. ~~Auto laundries~~ Car wash.

Standards and conditions:

(a) ~~Auto laundries~~ The car wash shall be completely enclosed when not in operation.

(b) Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.

(c) Any ~~auto~~ car wash line exit shall be at least thirty (30) feet distant from any street line.

Division 8. 65.730. Parking Facilities

Sec. 65.731. Parking facility, commercial.

An off-street parking facility, not accessory to any principal use, for which a fee is charged for the privilege of parking.

Standards and conditions in the TN3 Traditional Neighborhood Development District:

(a) The facility shall be in a mixed use area identified in the master plan for the district.

(b) At least fifty (50) percent of the length of any parking structure facade adjacent to a public street shall consist of retail, office or other similar nonresidential uses.

Sec. 65.732. Shared commercial parking in institutional lots.

The use of existing paved parking lots of churches, colleges, universities, schools and seminaries by permitted business uses in nearby business districts.

Standards and conditions in Residential Districts:

(a) Each business using such lot shall be located within five hundred (500) feet of the shared parking lot measured from the property line of the business to the property line of the parking lot; except that the five-hundred-foot distance requirement may be waived if the principal use leases off-street parking for employees only, requires permit parking for employees using such parking lot or uses some other system to ensure that employees really park in the remote lot.

(b) There shall be no outdoor ~~and does not permit~~ storage on the parking lot.

(c)~~b~~ Application for a shared commercial parking permit on an institutional lot must be accompanied by proof of the under utilization of the institutional lot during periods of peak business demand in a report showing:

~~c.~~ (1) The off-street parking need of the institution during the peak demand periods of the business(es).

~~d.~~ (2) The off-street parking need of the business(es) during peak demand periods.

~~e.~~ (3) Extent of parking shortfall for the business(es) during peak demand period(s).

~~f.~~ (4) The number and location of the parking spaces in the institutional lot that may be used by business(es) during peak demand periods.

~~g.~~ (5) The existence, if any, of prior commitments for use of the institutional lot by other businesses or other noninstitutional users.

~~h.~~ (6) The shared parking lease arrangement is not an attempt to avoid liability for property taxes.

(d)~~i~~ If the shared parking is required by the Zoning Code, each business use shall provide proof of at least a ten-year lease agreement with the institution for the shared parking arrangement. If the shared parking is not required, each business shall provide proof of at least a two-year lease agreement. Each lease will be reviewed annually.

(e)~~j~~ The lease agreement must delineate the number of spaces and the specific hours of operation of the parking lot for each day of the week that the lot is to be used by the business. The business lessee must indicate in the lease agreement that it recognizes its responsibility for property taxes imposed under Minnesota Statutes, Section 272.01, subdivisions 2(a) and 2(c).

(f)~~k~~ The zoning application must include the submittal of a site plan drawn to scale showing the layout of the parking lot, all access and egress locations, and the surrounding buildings within one hundred (100) feet of the lot.

(g) ~~l~~ Only passenger vehicles will be allowed in shared parking spaces in institutional lots.

Secs. 65.733 - 65.739. Reserved.

Sec. 65.740. State fair parking.

An off-street parking operation on private residential property for which a fee is charged for the privilege of parking during the annual Minnesota State Fair.

Division 9. 65.750. Transportation

Sec. 65.751. Airport.

An area where fixed-wing aircraft can take off and land, equipped with hard-surfaced landing strips, hangers, facilities for refueling and repair, a control tower, and accommodations for cargo and passengers, and which is owned and operated by a unit of government.

Sec. 65.752. Heliport.

An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling or terminal facilities.

Standards and conditions:

(a) The heliport shall be located at an airport.

(b)~~a~~ The heliport ~~and helistop~~ shall be located at least one thousand (1,000) radial feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. ~~d~~ The application shall include a site plan of the proposed facility and an area map showing the distance between the proposed take-off and landing area and the nearest residential property ~~shall be provided to the commission~~.

(c)~~b~~ The applicant shall perform a noise analysis to determine whether upon establishment of the heliport ~~or helistop~~ the Noise Pollution Control Rules, Chapter 7010, of the Minnesota Pollution Control Agency, would immediately be violated. If the analysis shows that the rules would be violated, the applicant shall take measures to prevent the potential violation before the heliport ~~or helistop~~ is established.

(d)~~c~~ The heliport ~~or helistop~~ shall be constructed, operated and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State of Minnesota.

Sec. 65.753. Helistop.

An area designed to be used for the landing or takeoff of one (1) helicopter, the temporary parking of one (1) helicopter, and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling or terminal facilities.

Standards and conditions:

(a) In Business Districts and the IR River Corridor Industrial District, the helistop shall be for emergency medical services and accessory to a hospital, require prior permission of the owner or operator to land, and not be open to the general public.

(b) ~~a~~ The helistop shall be located at least two hundred fifty (250) radial feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the closest property line of the residentially used or zoned property. ~~d~~ The application shall include a site plan of the proposed facility and an area map showing the distance between the proposed takeoff and landing area and the nearest residential property ~~shall be provided to the planning commission~~.

(c) ~~b~~ The applicant shall perform a noise analysis to determine whether upon establishment of the helistop the Noise Pollution Control Rules, Chapter 7010, of the Minnesota Pollution Control Agency would immediately be violated. If the analysis shows that the rules would be violated, the applicant shall take measures to prevent the potential violation before the helistop is established.

(d) ~~c~~ The helistop shall be constructed, operated and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State of Minnesota.

Secs. 65.754 - 65.759. Reserved.

Sec. 65.760. Intermodal freight yard.

A site or location where large units of freight, including containerized freight and semitrailers, are transferred between different transportation modes (such as from railroad cars to semitrucks or from barges to railroad cars) using heavy and/or specialized equipment (such as piggy-packers or gantry cranes).

Standards and conditions:

(a) Intermodal freight yards shall be sited in a manner which prevents unreasonable disturbance to nearby residential properties from the adverse effects of heavy traffic, noise, dust, vibration and excessive lighting.

(b) The operational area of an intermodal freight yard shall be at least one thousand (1,000) feet from property zoned for, or occupied by, residential uses within the City of Saint Paul measured at the point of shortest distance separating the operational area from the residentially zoned or used property.

(c) Adequate landscaping and sound barriers where deemed necessary to provide mitigation of increased noise and to provide a reasonable visual barrier between the site and adjoining properties shall be installed and maintained on the site and adjacent to roadways accessing the site.

(d) Facilities shall be sited in a manner that allows primary access to the site via roads designed for use by heavy trucks or are designated as "haul roads" or "truck routes."

Sec. 65.761. ~~Truck and~~ Motor freight terminal~~s~~.

A facility with more than one (1) dock per five thousand (5,000) square feet of warehouse, storage, or related use and used for either (1) the loading, unloading, dispensing, receiving, interchanging, gathering, or otherwise physically handling freight for shipment or (2) any other location at which freight is exchanged by motor carriers between vehicles. This includes but is not limited to cross-dock operations and does not include a package delivery service. Excludes buildings with six (6) or fewer loading docks.

(a) Noise impacts shall be mitigated to prevent excessive impact on residential lots within 300 feet. This may include using the building as a sound barrier between truck docks and residences by aligning the structure close to lot lines.

(b) Truck access to the property shall be directly onto a designated truck route.

Sec. 65.762. Railroad right-of-way.

Development standard:

In Residential, Traditional Neighborhood, and OS-B3 Business Districts, there shall be no terminal freight facilities, transfer or storage tracks.

Division 10. 65.770. Limited Production, Processing and Storage

Sec. 65.771. Agriculture.

Standards and conditions:

(a) Agriculture shall be located on parcels of land separately owned outside the boundaries of a proprietary or auditor's subdivision, having an area of not less than five (5) acres.

(b) All uses shall be subject to the health and sanitation provisions of the City of Saint Paul.

(c) No odor- or dust-producing substance or use shall be permitted within one hundred (100) feet of any residential property line.

(d) Principal access shall be provided to a major thoroughfare.

Sec. 65.772. Finishing shop.

Any business which involves spray painting or the application of combustible materials, including furniture finishing and cabinetmaking but not including auto body shops.

Condition:

Finishing shops shall not be within a structure that is also used for residential purposes.

Sec. 65.773. Limited production and processing.

These uses produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

(1) apparel and other finished products made from fabrics

(2) blueprinting

(3) computers and accessories, including circuit boards and software

(4) electronic components, assemblies, and accessories

(5) film, video and audio production

(6) food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or vinegar processing

(7) jewelry, watches and clocks

(8) milk, ice cream, and confections

(9) musical instruments

(10) novelty items, pens, pencils, and buttons

(11) precision dental, medical and optical goods

(12) signs, including electric and neon signs and advertising displays

(13) toys

(14) wood crafting and carving

(15) wood furniture and upholstery

Standards and conditions:

(a) In Traditional Neighborhood Development Districts, a conditional use permit is required for such uses with more than five-thousand (5000) square feet of gross floor area, and total floor area shall not exceed ten-thousand (10,000) square feet.

(b) All such uses are intended to be compatible with adjacent commercial and service uses. Odors, noise, vibration, glare and other potential side effects of manufacturing processes shall not be discernable beyond the property line.

Sec. 65.774. Malt liquor manufacturing.

Standards and conditions in B3-B5 Business Districts.

(a) The manufacturing shall be ~~is~~ conducted in conjunction with a brew on premises store.~~, as regulated in the B-2 district;~~

(b) Fewer than two thousand (2,000) barrels of malt liquor ~~are~~ shall be manufactured in a year~~;~~.

(c) The malt liquor shall not be sold at retail to customers on the site where manufactured~~;~~. ~~and~~

(d) The malt liquor shall not be served to customers on the site where manufactured.

Sec. 65.775. Plastic products.

Manufacturing of plastic products includes tableware, records, buttons and similar products.

Sec. 65.776. Printing and publishing.

Standards and conditions:

In Traditional Neighborhood Development and B2 Business Districts, a conditional use permit is required for such uses with more than five-thousand (5000) square feet of gross floor area, and total floor area shall not exceed ten-thousand (10,000) square feet.

Sec. 65.777. Recycling collection center.

A recycling collection facility ~~in a building~~ for the acceptance by donation, redemption or purchase of recyclable materials. Such a facility may allow limited compacting or crushing of recyclable materials.

Standards and conditions:

(a) The facility shall ~~Does~~ not abut a property zoned for residential use~~;~~.

(b) ~~Shall completely enclose~~ In the B3 Business District, all handling operations, equipment and materials, including trailers, shall be completely enclosed in a building not exceeding five thousand (5,000) square feet, except for drop-off stations not occupying more than five hundred (500) square feet of the site~~;~~.

(c) In industrial districts, all processing and handling operations shall be conducted within a completely enclosed building. Outdoor storage of materials shall be within covered containers or behind an opaque screen meeting the requirements of section 62.107 on three (3) sides. Such outdoor screening shall be located at least three hundred (300) feet from any residential district.

(d~~c~~) The facility shall be free of litter and any other undesirable materials and cleaned of loose debris on a daily basis.~~; and~~

(e~~d~~) The facility shall be screened pursuant to section 63~~2~~.114~~07~~ if it is located within one hundred fifty (150) feet of a residential use district.

Sec. 65.778. Recycling drop-off station.

A facility consisting of reverse vending machines or unattended weather-resistant containers that are provided for the collection of recyclable materials. Any such recyclable material collected shall be of a size permitting it to be placed completely inside an enclosed reverse vending machine, weather-resistant container or trailer so that such materials are not exposed to the elements. Such a facility may be established in conjunction with and accessory to an existing commercial or industrial use. The term "recycling drop-off station" shall not include temporary mobile collection containers.

Standards and conditions:

(a) The facility shall not occupy an area more than two hundred (200) square feet and shall not interfere with parking and maneuvering requirements of the principal use.

(b) The facility shall be screened pursuant to section 63~~2~~.114~~07~~ if it abuts a residential use or district.

(c) The facility shall be set back at least ten (10) feet from any property line and shall not obstruct pedestrian or vehicular circulation.~~; and~~

(d) The facility shall be maintained free of litter and other undesirable materials.

Sec. 65.779. Warehousing and storage.

Standards and conditions in the B5 Central Business-Service District:

All material must be completely enclosed within a building. Steel warehousing, storage of bulk petroleum or related products, and garbage, rubbish or junk are not permitted.

Sec. 65.780. Wholesale establishment.

A firm involved in the storage, movement or sale of goods for themselves or other firms, usually to retailers for resale to consumers, in relatively large quantities and usually at lower prices than at retail.

Standards and conditions:

In the B3 General Business District, wholesale establishments shall have less than fifteen thousand (15,000) square feet of gross floor area, and shall have no outside storage. In the B4 Central Business District, storage is restricted to samples.

ARTICLE VI. 65.800. INDUSTRIAL USES

Sec. 65.810. Light manufacturing.

Light manufacturing includes, but is not limited to, the following:

(a) ~~(5) the~~ Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, electronic components, feathers, felt, fibre, fur, glass, hair, horn, leather, nonferrous metals, paper, plastic, precious or semiprecious metals or stones, rubber (excluding rubber or synthetic processing, tires and inner tubes), steel, sheet metal ~~(excluding the process of stamping large items such as automobile fenders or bodies)~~, shell, textiles and fabrics, tobacco, wax, wire, wood (excluding saw and planing mills) and yarns~~.~~

(b) ~~(8) the~~ Manufacture or assembly of automobiles, boats less than one hundred (100) feet in length, and electrical appliances and equipment ~~, electronic instruments and devices, radios and phonographs.~~

~~(9) the manufacture and repair of electrical or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.~~

(c) Bottling, all beverages

(d) ~~(4) Where retail sales is not the primary function, the~~ Manufacture, assembly, compounding, processing, packaging or treatment of such products as, but not limited to: ~~bakery goods, candy, cosmetics~~, hardware and cutlery, nontoxic chemicals, pharmaceuticals, and food products (excluding slaughtering of animals and preparation of meat for packing, sugar refining, oils, and grain, feed or flour milling, processing or storage) ~~toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.~~

(e) ~~(6) the~~ Manufacture of glass and glass products, ceramics, china, pottery and ~~figurines or~~ other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas~~.~~

~~(7) the manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.~~

(f) Metal working, such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating.

Sec. 65.811. General industrial.

General industrial uses include higher impact and outdoor uses which are likely to have greater off-site impacts and which require special measures and careful site selection to ensure compatibility with the surrounding area. General industrial uses often include processing of raw materials and production of primary materials. General industrial uses include, but are not limited to, the following:

(a) ~~(2) Any~~ Production, processing, cleaning, servicing, testing, repair or storage of materials or products which shall not be injurious or offensive to occupants of adjacent premises by reason of the emission of noise, vibration, smoke, dust or particulate matter, toxic and noxious materials, odors, glare or heat, except those uses specifically first allowed as ~~principal~~ permitted uses ~~permitted~~ in the I-3 Restricted Industrial District~~.~~

(b) ~~(4)~~ Storage and processing facilities for building materials including, but not limited to, asphalt, brick, cement, concrete, ~~sand,~~ gravel, sand, stone, tile and wood ~~lumber.~~]

(c) Manufacture, processing and reprocessing of batteries; toxic chemicals; fertilizer; oils and oil-based paints, lacquers and varnishes; raw plastics; synthetic resins and fibers; and natural or synthetic rubber, including tires and inner tubes

(d) Grain, feed and flour milling, processing and storage

(e) Steel mills, metal refining and other processing that requires intense heat

Sec. 65.812. General outdoor processing.

Uses which service, process or manufacture outside of a completely enclosed building.

Standards and conditions:

(a)~~.~~ Outdoor servicing, processing, manufacturing or the storage of the materials used in these operations shall be no closer than three hundred (300) feet to a property occupied with a one-, two-, ~~three-, four-, townhouse~~ or multiple-family dwelling.

(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, the county and the city.

(c)~~.~~ The applicant shall provide a site plan showing the location of buildings; areas of outdoor storage, servicing, processing or manufacturing; and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to contain on the property any dust, odor, noise or other potentially adverse affects.

Secs. 65.813 - 65.819. Reserved.

Sec. 65.820. Brewery, micro and regional.

A facility with a capacity to manufacture one million (1,000,000) or fewer ~~less~~ barrels of alcoholic and nonalcoholic malt liquor a year. This definition excludes brew on premises stores as defined herein and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Sec. 65.821. Brewery, national.

A facility with a capacity to manufacture over one million (1,000,000) barrels of alcoholic and nonalcoholic malt liquor a year. This definition excludes brew on premises stores as defined herein and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Sec. 65.822. Concrete, asphalt and rock crushing facility.

Standards and conditions:

(a) All concrete, asphalt and rock processing and storage shall be located at least three hundred (300) feet from any residential property.

(b) All outdoor servicing, processing or manufacturing shall be conducted, operated and maintained in accordance with any necessary permits of MPCA, the county and the city.

(c) The applicant shall provide a site plan showing the location of buildings; areas of outdoor storage, servicing, processing or manufacturing; and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to contain on the property any dust, odor, noise or other potentially adverse effects.

Sec. 65.823. Greenhouse, industrial.

Wholesale business whose principal activity is the growing and selling of plants within an enclosed building.

Secs. 65.824 - 65.829. Reserved.

Sec. 65.830. Hazardous waste processing facility.

Any commercial facility, as defined in Minnesota Rules 7045.0020, for which a Minnesota Pollution Control Agency (MPCA) permit is required, treating hazardous waste generated at any off-site location, that is designed and operated to modify the chemical composition or chemical, physical or biological properties of a hazardous waste by means such as reclamation, distillation, precipitation or other similar processes, which neutralizes the waste or renders it nonhazardous, safer for transport, amendable for recovery, storage or reduced in volume, excepting "elementary neutralizing units" and "pretreatment units," as defined in Minnesota Rules, Chapter 7045.0020. Hazardous waste processing does not include incineration or disposal.

Standards and conditions:

(a~~3~~) ~~Subject to section 64.300(d), hazardous waste processing facilities, provided such~~ The facility~~ies are~~ shall be located within ~~those~~ an area~~s~~ of the city included in the Minnesota Waste Management Board's "Inventory of Preferred Areas for Processing Facilities," dated August 1983, and subject to the facility proposer receiving all applicable permits and approvals, and meeting all conditions.~~, including, but not limited to, the following:~~

(b)~~a.~~ The minimum distance between structures housing hazardous waste processing facilities and residentially zoned property shall be one thousand (1,000) feet measured from the closest point of the structure to the zoning district boundary.

(c)~~b.~~ An Environmental Assessment Worksheet (EAW) and Environmental Impact Statement (EIS)~~;~~ shall be completed if required under Environmental Quality Board Rules.

(d)~~c.~~ ~~Submittal and maintenance of p~~Performance agreements and financial guarantees shall be provided and maintained as required by the conditional use permit ~~city council~~. The performance agreements and supporting financial guarantees shall, at a minimum, cover the following: completion of required site improvements; emergency cleanup and mitigation activities by the operator, after which the city may initiate and complete appropriate cleanup activities; and closure activities in accordance with Minnesota Rules 7045.0498--.0524.

(e)~~d.~~ Submittal of proposer's operating credentials, including: proposer's management experience with comparable hazardous waste facility; proposer's, proposer's partners, and proposer's parent company's net worth and bonding capacity, demonstrating compliance with federal standards as set forth in Code of Federal Regulations (CFR) 40, Parts 123, 264, and 265; references from persons familiar with proposer's hazardous waste facility management experience; evidence of permit application submittal to applicable county, state and federal agencies.

(f)~~e.~~ Compliance with U.S. Environmental Protection Agency and MPCA inspection and reporting requirements in accordance with CFR 40, Parts 264 and 265 or Minnesota Rules 7045.

(g)~~f.~~ All facilities newly constructed for or modified for the purpose of processing hazardous waste materials shall be directly accessible from a primary arterial roadway as defined and designated in the transportation section of the comprehensive plan for the City of Saint Paul.

(h)~~g.~~ There shall be a minimum setback from stormwater holding areas, natural drainage facilities, and wetlands in accordance with Minnesota Rules 7045.0460.

(i)~~h.~~ All stormwater runoff shall be managed in accordance with Minnesota Rules 7045.0526 and 7045.0528.

(j)~~i.~~ There shall be ~~N~~no outside storage of hazardous waste except as permitted by MPCA.

(k)~~j.~~ All loading or unloading of hazardous materials must occur in compliance with Minnesota Rules 7045.

(l)~~k.~~ A copy of the contingency plan, and all amendments and revisions, including operating log, required under Minnesota Rules 7045.0466 must be maintained at the facility and with emergency response agencies of the City of Saint Paul.

(m)~~l.~~ The developer ~~must agree to~~ shall provide, at his sole expense, maintenance and continued implementation of approved emergency training programs for all employees at the time of their initial hiring~~,~~ and during their continued employment~~;~~ and for public safety personnel of the City of Saint Paul. T~~t~~he training programs shall be reviewed annually for currency.~~; training programs shall also be maintained and conducted for public safety personnel of the City of Saint Paul.~~

(n) ~~m.~~ The developer/operator must prepare and maintain contingency plans to include provisions for alerting applicable agencies~~;~~, and provision for emergency evacuation of the facility and the surrounding area, in accordance with Minnesota Rules 7045.0466.

(o)~~n.~~ Proposer's site, operating plans, contingency plans, and training programs shall conform to MPCA permit review under Minnesota Rules 7001.0001-.0730.

(p)~~o.~~ Any ~~special~~ conditional use permit issued for facilities under this section shall be subject to an annual review by the planning commission to ascertain that operations of the facility continue to be in compliance with all conditions of the permit and the Legislative Code.

Sec. 65.831. Infectious waste incinerator.

Standards and conditions:

See *Sec. 65.832. Infectious waste processing facility*, standards and conditions (a)-(c).

Sec. 65.832. Infectious waste processing facility.

A site, including the land and any structures thereon, where infectious waste or pathological waste is accepted, transferred, stored, handled, treated, decontaminated, processed or disposed. Infectious waste processing facility does not include the site of a generator of infectious waste which is governed by the state department of health, as set forth in Minnesota Statutes, section 116.81, subdivision 2.

Standards and conditions:

(a~~.~~) The treatment of the waste ~~is~~ shall be conducted within completely enclosed buildings~~;~~.

(b~~.~~) The storage of the waste ~~is~~ shall be within completely enclosed buildings, except that the storage of the waste may be within trailers, provided the trailers are securely locked and are temperature controlled to prevent putrescence, as directed by the Office of License~~s~~, Inspections and Environmental Protection. The waste shall be stored for no

more than forty-eight (48) hours, except that waste accepted on Friday must be disposed of no later than the following Monday~~; and~~.

(c~~.~~) All structures containing the waste operations ~~are~~ shall be at least one thousand (1,000) feet from the closest property line of a one-, two-, ~~three-, four-, townhouse~~ or multiple-family dwelling~~; and~~.

(d~~.~~) The incineration of infectious wastes shall be prohibited.

Secs. 65.833 - 65.839. Reserved.

Sec. 65.840. Metal shredder, large.

A facility that accepts, stores, and shreds large used recyclable metal products, including motor vehicles, appliances, sheet iron, industrial clips, whether or not maintained in connection with another business. Shredding is the reduction in size of the metal products by means of a rotor equipped with hammers, including in and out conveyors, scrubbers, separation and dust collection equipment, and other connected machines.

Sec. 65.841. Metal shredder, small.

A facility that accepts, stores, and shreds small used recyclable metal products including cans and other small metal products (excluding motor vehicles), whether or not maintained in connection with another business. Shredding is the reduction in size of the metal products by means of a rotor equipped with hammers, and may include in and out conveyors, scrubbers, separation and dust collection equipment, and other connected machines. This use is included in the definition of "recycling processing center."

Sec. 65.842. Mining.

The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1,000) cubic yards or more and the removing thereof from the site without processing, with the exception of the removal of materials associated with construction of a building which is approved in a building permit.

Sec. 65.843. Motor vehicle salvage operation.

Any business whose principal activity is to obtain used motor vehicles to salvage and sell usable parts therefrom and which maintains a premises upon which to accumulate and dismantle such vehicles.

Standards and conditions:

See *Sec. 65.846. Recycling processing center, outdoor*.

Sec. 65.844. Recycling processing center.

A facility that accepts, stores and processes recyclable materials, not including concrete, asphalt and rock, whether or not maintained in connection with another business. Processing includes, but is not limited to, baling, briquetting, crushing, compacting, grinding, shredding, sawing, shearing, and sorting of recyclable materials and the heat reduction or melting of such materials. This definition includes small metal shredders as defined in section 65.841 and excludes large metal shredders as defined in section 65.840 ~~60.213.M~~.

Sec. 65.845. Recycling processing center, indoor.

Standards and conditions:

(a) ~~Recycling processing center where~~ All processing activities ~~are~~ shall be conducted within a wholly enclosed building.~~; provided that:~~

(b) ~~a.~~ Outdoor storage of materials ~~are~~ shall be within covered containers or behind an opaque visual screen meeting the requirements of section 63~~2~~.xxx~~107~~ on three (3) sides. Such outdoor storage ~~is~~ shall be located at least three hundred (300) feet from any residential district.~~; and~~

(c) ~~b.~~ There ~~is~~ shall be no outdoor open burning on the site.~~; and~~

(d) ~~c.~~ All types of processing are allowed except heat reduction that would otherwise be permitted in the I~~-~~2 General Industrial D~~d~~istrict~~s~~.

Sec. 65.846. Recycling processing center, outdoor.

Standards and conditions:

(a)~~.~~ Outdoor processing, salvaging and storage of the materials and motor vehicles shall be no closer than three hundred (300) feet to a property occupied with a one-, two-~~, three-, four-~~or multiple-family dwelling ~~or townhouse dwelling~~ [redundant language]. The area used for the outdoor processing, salvaging and storage shall be behind an eight-foot-

high obscuring wall, fence or landscaped buffer. The planning commission may modify this requirement where a wall, fence or buffer may interfere with the operation of the business.~~;~~

(b)~~.~~ There shall be no outdoor open burning on the site. The use of cutting torches, furnaces and other equipment which produce a flame shall not be construed to constitute open burning~~; and~~.

(c)~~.~~ There shall be no stacking of material above the height of the wall or fence, except that material set back three hundred (300) feet from the nearest residential property line may be stacked one (1) foot higher ~~over~~ than the wall or fence, up to a maximum of sixty (60) feet, for every additional five (5) feet the material is set back from the nearest residential property line.

Sec. 65.847. Solid waste compost facility.

A site that has been approved by the city, Ramsey County and the Minnesota Pollution Control Agency (based on Minnesota Rules Section 7035.2835) for the storage, transfer or composting of specifically identified types of solid waste materials.

Standards and conditions:

(a)~~.~~ Materials including, but not limited to, yard waste, sand, grit, sludge, paper mill waste, shredded paper, food waste, residential solid waste and other refuse derived fuels shall be accepted~~;~~.

(b)~~.~~ All storage, transfer or composting of such materials and the maneuvering of equipment and vehicles shall be conducted on an asphalt or concrete surface previously paved to specifications designed to handle anticipated loads. Runoff from the site shall be controlled in accordance with city requirements and other applicable government agency provisions~~;~~.

(c)~~.~~ All composting materials in the active composting stage shall be turned or aerated by a blower system at least two (2) times per month or more often as required~~;~~.

(d)~~.~~ The ~~solid waste compost~~ facility shall be enclosed by an eight-foot fence to control vehicular and pedestrian access. There shall be appropriate buffering of the facility from residential zoning or uses by the use of berms, trees or other means deemed appropriate by the planning commission or zoning administrator. The site may have greenhouses for composting solid waste materials~~;~~.

(e)~~.~~ The ~~solid waste compost~~ facility~~ies~~ shall be located no closer than three hundred (300) feet from any residentially used or zoned property as measured from the edge of the nearest compost pile to the nearest residentially used or zoned property~~;~~.

(f)~~.~~ The height of the compost pile(s) shall be limited to no higher than fifteen (15) feet above grade~~;~~.

(g)~~.~~ The operator of the ~~solid waste compost~~ facility shall be responsible for maintaining the facility free of loose wind-driven refuse. All materials collected at the site which cannot be composted shall be removed from the property at regular intervals or stored to not become a nuisance. In no case shall these materials be stored on the site for more than seven (7) working days~~;~~.

(h)~~.~~ The ~~solid waste compost~~ facility shall have available ~~at least~~ a loader such as a front end loader, a windrow turner, a rotary screening unit and any other equipment deemed necessary by the city~~; and~~.

(i)~~.~~ A site plan illustrating compliance with these and all other applicable requirements as well as a detailed explanation of the solid waste compost activities planned for the site must be submitted to and approved by the planning commission or zoning administrator.

Sec. 65.848. Solid waste transfer station.

An intermediate facility in which garbage, refuse and other solid waste collected from any source is temporarily deposited to await transportation to a waste facility. This includes sites for the sorting of construction and demolition material.

ARTICLE VII. 65.900. ACCESSORY USES

Sec. 65.910. Accessory use or accessory.

A building, structure or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63~~2~~.~~1~~300~~4~~) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

(a~~7~~) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.

(b~~9~~) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

(c~~3~~) Domestic storage in a barn, shed, tool room or similar accessory building or other structures including the storage of antique and classic automobiles within accessory structures.

(d~~5~~) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

(e~~6~~) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

(f) ~~11)~~ Trash containers, including garbage dumpsters, in accordance with Chapter 357 of the Saint Paul Legislative Code.

(g) ~~10)~~ Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

(h~~8~~) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex; greenhouses located on the premises as incidental to a florist.

(i~~1~~) Residential accommodations for servants or caretakers located within the main dwelling and without separate cooking facilities.

(j~~2~~) Swimming pools for the use of the occupants of a residence or their guests.

(k~~4~~) A newsstand primarily for the convenience of the occupants of a building which is located wholly within such building and has no exterior signs or displays.

(l~~13~~) A small brewery operated in conjunction with a bar or restaurant provided the beer is sold for consumption on the premises and not sold to other bars, restaurants or wholesalers, except that an establishment licensed under Minn. Stat. §340A.301, subd. 6(d) may sell “growlers” off-sale with appropriate city license..

(m) An enclosed, single-bay car wash operated in conjunction with an auto convenience market or auto service station.

(n) ~~14)~~ Food shelf when located in dwelling units or an accessory building for the dwelling unit, churches, synagogues, and community centers.

(o) ~~12)~~ Radio and television receiving antennas including satellite receiving dishes, or short-wave transmit/receive antennas designed for dispatching or use with household electronic equipment including "ham" radio equipment, subject to the regulations in section 62.117.

Sec. 65.911. Antenna, radio and television receiving.

A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television or electromagnetic waves, and including the supporting structure thereof.

Sec. 65.912. Antenna, short-wave radio transmitting and receiving.

A wire, set of wires or a device, consisting of a metal, carbon fiber or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof.

Sec. 65.913. - 65. 919. Reserved.

Sec. 65.920. Retail service and office, accessory.

Standards and conditions:

(a) Any retail service or office use on the zoning lot shall be clearly incidental to the principal use and designed to service only residents of the principal use.

(b) Such use shall be provided either totally within the walls of the principal structure, or as an accessory building situated so as to provide direct access to the residents of the principal use only. There shall be no direct exterior public access to such use ~~shall be available to the general public from any exterior entranceway~~.

(c) No identification sign shall be visible from any exterior view.

(d) Such uses shall not exceed twenty-five (25) percent of the floor area at grade level, or fifty (50) percent of the floor area of a subgrade level, and shall be prohibited on all floors above the first floor or grade level.

(e) Each one thousand (1,000) square feet of floor area devoted to such use shall be counted as one dwelling unit in the computation of allowed dwelling units on the lot.

(f) The principal structures shall contain at least ~~not be less than one hundred~~ fifty (~~1~~50) dwelling units notwithstanding subparagraph (e) of this subsection.

Sec. 65.921. Support services in housing for the elderly.

Support services within elderly housing as defined in section 65~~0~~.123~~08.II.~~ including limited food service, beauty salon and retail goods sales areas.

Development standard:

Support service areas shall nor exceed five (5) percent of ~~the~~ designated community room area.

Chapter 66. Zoning Code - Zoning District Uses, Density and Dimensional Standards

ARTICLE I. 66.100. GENERAL PROVISIONS

Sec. 66.101. Use tables.

Use tables in this chapter list permitted and conditional uses in the primary underlying zoning districts, and note applicable development standards and conditions.

(a) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance.

(b) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish, change, or expand a conditional use shall obtain a permit for such use as specified in Chapter 61.

(c) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district, or any use not determined by the planning commission to be substantially similar to a listed permitted or conditional use, shall be prohibited in that district.

(d) *Development standards.* Permitted and conditional uses specified with a "✓" in the Development Standards column shall be subject to the specific standards and conditions of *Chapter 65. Land Use Definitions and Development Standards* in addition to all other applicable provisions of this ordinance.

(e) *Combination of uses.* Any permitted or conditional uses may be combined on a parcel or within a building, provided that all uses meet all other applicable provisions of this ordinance, including any specific development standards.

ARTICLE II. 66.200. RESIDENTIAL DISTRICTS

Division 1. 66.210. Intent

~~Division 2. 60.400. Residential Districts~~

~~*Subdivision 1. 60.405. R-LL One-Family Large Lot Residential District*~~

Sec. 66.211. ~~60.406.~~ Intent, RL One-Family Large Lot Residential District.

The R~~-L~~L One-Family Large Lot Residential District is the lowest density residential district. It ~~The intent is to~~ provides for a semirural environment of predominantly low-density, one-family ~~detached~~ dwellings along with ~~other residentially related~~ civic and institutional uses, public services and utilities that ~~facilities which~~ serve the residents in the district. The district is designed to protect, maintain and enhance wooded areas, wildlife and plant resources, fragile bluff areas, topography and large expanses of natural vegetative cover; to reduce erosion and excessive stormwater runoff associated with higher-density development; and to facilitate installation of private wells and individual sewage treatment systems for one-family detached dwellings.

(Ord. No. 17889, § 12, 11-21-91)

~~**Sec. 60.407. Principal uses permitted.**~~

~~In the R-LL One-Family Residential District, the use of land, the location and erection of new buildings or structures, and the alteration, enlargement and moving of existing buildings or structures from other locations or districts shall conform to the principal uses as permitted in section 60.412.~~ [Replaced with *§66.221. Principal Uses in Residential Districts.*]

~~(Ord. No. 17889, § 12, 11-21-91)~~

~~**Sec. 60.408. Principal uses permitted subject to special conditions.**~~

~~Additional uses shall be permitted, as allowed in section 60.413, subject to the conditions imposed for each use and subject to the review and approval of the planning commission.~~

~~(Ord. No. 17889, § 12, 11-21-91)~~

~~**Sec. 60.409. Area, bulk and yard setback requirements.**~~

~~See Chapter 61, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.~~

~~(Ord. No. 17889, § 12, 11-21-91)~~

~~*Subdivision 2. 60.410. R-1 through R-4 One-Family Residential Districts*~~

Sec. 66.212. ~~60.411.~~ Intent, R1-R4 One-Family Residential Districts.

The ~~intent of the~~ R-1- ~~through~~ R-4 One-Family Residential Districts ~~is to~~ provide for an environment of predominantly low-density, one-family ~~detached~~ dwellings along with ~~other residentially related facilities which~~ civic and institutional uses, public services and utilities that serve the residents in the districts. Because of ~~its~~ their residential nature, ~~this~~ these districts ~~is~~ are not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.

(Code 1956, § 60.411; Ord. No. 17550, § 5, 4-12-88; Ord. No. 17889, § 13, 11-21-91)

~~**Sec. 60.412. Principal uses permitted (RLL through R-4 districts).**~~

~~**Sec. 60.413. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.414. Area, bulk and yard setback requirements.**~~

~~See Chapter 61, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements~~

~~(Code 1956, § 60.414)~~

~~*Subdivision 3. 60.420. RT-1 Two-Family Residential District*~~

Sec. 66.213. ~~60.421.~~ Intent, RT1 Two-Family Residential District.

The RT-1 Two-Family Residential District provides for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district ~~is designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character~~. The~~is~~ district ~~also~~ recognizes the existence of older residential areas of the city where larger houses

have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. ~~This district also allows the construction of new two-family residences where slightly greater densities are permitted. In no case shall more than one (1) main building be allowed per platted lot (except for carriage house apartments as permitted under section 60.413).~~ Because of its residential nature, this district is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.

(Code 1956, § 60.421; Ord. No. 17039, 7-7-83; Ord. No. 17550, § 8, 4-12-88)

~~**Sec. 60.422. Principal uses permitted.**~~

~~**Sec. 60.423. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.424. Area, bulk and yard setback requirements.**~~

~~See Chapter 61, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.~~

~~(Code 1956, § 60.424)~~

~~*Subdivision 4. 60.430. RT-2 Townhouse Residential District*~~

Sec. 66.214. ~~60.431.~~ Intent, RT2 Townhouse Residential District.

The RT-2 Townhouse Residential District ~~is designed to~~ provides ~~sites~~ for two-, three-, and four-family and townhouse structures, along with civic and institutional uses, public services and utilities that serve residents in the district. It is intended to provide for a variety of housing ~~satisfy the~~ needs ~~of people seeking this nature of facility~~ and to serve as zones of transition between one- and two-family residential districts and multiple-family residential districts and business districts. The~~is~~ district ~~also~~ recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-, three-, or four-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. The RT-2 District further provides for housing that has many of the amenities of single-family dwellings arranged in a low-density, multiple-family pattern. Because of its residential nature, this district is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.

(Code 1956, § 60.431; Ord. No. 17550, § 9, 4-12-88)

~~**Sec. 60.432. Principal uses permitted.**~~

~~**Sec. 60.433. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.434. Area, bulk and yard setback requirements.**~~

~~See Chapter 61, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.~~

~~(Code 1956, § 60.434)~~

~~*Subdivision 5. 60.440. RM-1 Low-Density, Low-Rise Multiple-Family Residential District*~~

Sec. 66.215. ~~60.441.~~ Intent, RM1 Low-Density Multiple-Family Residential District.

The RM-1 Low-Density Multiple-Family Residential District is ~~designed~~ intended to provide ~~sites~~ for an environment of predominantly one- and two-family, townhouse and lower-density multiple-dwelling structures, along with civic and institutional uses, public services and utilities that serve residents in the district, to provide for a variety of housing ~~satisfy the~~ needs ~~of people seeking this nature of facility~~, and to serve as zones of transition between less restricted districts and more restricted districts. ~~The RM-1 District is further provided to permit the construction of attached one-family dwellings in a multiple-family pattern while maintaining the character of the one-family district.~~

(Code 1956, § 60.441)

~~**Sec. 60.442. Principal uses permitted.**~~

~~**Sec. 60.443. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.444. Area, bulk and yard setback requirements.**~~

~~See Chapter 61, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements~~.

(Code 1956, § 60.444)

~~*Subdivision 6. 60.450. RM-2 Medium-Density Low-Rise, Multiple-Family Residential District*~~

Sec. 66.216. ~~60.451.~~ Intent, RM2 Medium-Density Multiple-Family Residential District.

The RM-2 Medium-Density Multiple-Family Residential District is ~~designed~~ intended to provide for more extensive areas of multiple-family residential development and a variety of congregate living arrangements, as well as uses that serve the needs of ~~related to~~ the multiple-family residential districts~~, or uses which serve one-family residential needs and require more extensive sites~~. ~~The RM-2 District~~ It is ~~further~~ intended to provide~~d to permit~~ for comprehensive development of ~~a~~ multiple-family uses ~~project so as to establish~~ and a balance of population concentration ~~as related to~~ near major thoroughfares, ~~and~~ transit, and related facilities.

(Code 1956, § 60.451)

~~**Sec. 60.452. Principal uses permitted.**~~

~~**Sec. 60.453. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.454. Area, bulk and yard setback requirements.**~~

~~See Chapter 61, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.~~

(Code 1956, § 60.454)

~~*Subdivision 7. 60.460. RM-3 High-Density, High-Rise Multiple-Family Residential District*~~

Sec. 66.217. ~~60.461.~~ Intent, RM3 High-Rise Multiple-Family Residential District.

The RM-3 High-Rise Multiple Family Residential District is ~~designed~~ intended to provide sites for high-density multiple-dwelling structures adjacent to high-frequency transit service and high traffic generators commonly found in the proximity of major shopping centers and areas abutting major thoroughfares and expressways. ~~This district~~ It is also ~~further provided~~ designed to serve the residential needs of persons desiring ~~the~~ apartment-type ~~of~~ accommodations with central services as opposed to the residential patterns found in the RM-1 and RM-2 Multiple-Family Residential Districts. The high-rise nature of the district is provided to allow for greater density with lower coverage, which will in turn result in more open space ~~on lands which would normally require more intensive development~~.

(Code 1956, § 60.461)

~~**Sec. 60.462. Principal uses permitted**~~

~~**Sec. 60.463. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.464. Area, bulk and yard setback requirements.**~~

~~See Chapter 61, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.~~

(Code 1956, § 60.464)

Division 2. 66.220. Principal Uses in Residential Districts

Sec. 66.221. Principal uses.

Table 66.221. Principal Uses in Residential Districts lists all permitted and conditional uses in the RL-RM3 Residential Districts, and notes applicable development standards and conditions.

Table 66.221. Principal Uses in Residential Districts

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Development Standards
Residential Uses								
Dwellings								
One-family dwelling	P	P	P	P	P	P		
Two-family dwelling			P	P	P	P		
Three-and four-family dwelling				P	P	P	P	
Townhouse				P	P	P	P	✓
Multiple-family dwelling					P	P	P	
Carriage house dwelling	C	C	C	C	C	C	C	✓
Cluster development	C	C	C	C	C	C		✓
Housing for the elderly					P	P	P	
Reuse of large structures	C	C	C	C	C	C	C	✓
Mixed Commercial-Residential Uses								
Home occupation	P	P	P	P	P	P	P	✓
Congregate Living								
Foster home, freestanding foster care home	P	P	P	P	P	P	P	
Community residential facility, licensed human service	P	P	P	P/C	P/C	P/C	P/C	✓
Community residential facility, licensed correctional					C	C	C	✓
Community residential facility, health department licensed					C	C	C	✓
Emergency housing facility					C	C	C	✓
Shelter for battered persons	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
Transitional housing facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
Roominghouse, boarding house					C	C	C	✓
Nursing home, boarding care home, assisted living						C	P	✓
Hospice	P	P	P	P	P	P/C	P	✓
Dormitory	P	P	P/C	P/C	P/C	P/C	P/C	✓
Fraternity, sorority	P	P	P/C	P/C	P/C	P/C	P/C	✓
Civic and Institutional Uses								
Educational Facilities								
Day care	P	P	P	P	P	P	P	✓
School, grades K-12	P	P	P	P	P	P	P	✓
College, university, seminary, etc.	C	C	C	C	C	C	C	✓
Social, Cultural, and Recreational Facilities								
Cemetery, mausoleum	C	C	C	C	C	C		✓
Golf course	C	C	C	C	C	C		✓
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Recreation, noncommercial	C	C	C	C	C	C	C	✓
Religious Institutions								
Church, chapel, synagogue, place of worship	P	P	P	P	P	P	P	
Rectory, parsonage	P	P	P	P	P	P	P	✓
Convent, monastery, religious retreat	P	P	P	P	P	P	P	✓
Public Services and Utilities								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
Municipal building or use	P	P	P	P	P	P	P	✓
Utility or public service building	C	C	C	C	C	C	C	✓

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Development Standards
Yard waste site, municipal	C	C	C	C	C	C	C	✓
Commercial Uses								
Medical Facilities								
Hospital, health and medical institution						C	C	✓
Commercial Lodging								
Bed and breakfast residence	P	P	P/C	P/C	P/C	P/C		✓
Parking Facilities								
Shared commercial parking in institutional lots	C	C	C	C	C	C	C	✓
Transportation								
Railroad right-of-way	C	C	C	C	C	C	C	✓
Limited Production								
Agriculture	C	C	C	C	C	C		✓
Accessory Uses								
Accessory use	P	P	P	P	P	P	P	
Accessory retail service and office						C	C	✓
Support services in housing for the elderly						P	P	✓

~~Chapter 61. Zoning Ordinance-- Schedule of Regulations Limiting Height, Bulk, Density, and Area by Zoning Districts~~

~~Sec. 61.101. Residential districts.~~

Division 3. 66.230. Residential District Density and Dimensional Standards

Sec. 66.231. Density and dimensional standards table.

Table 66.231. Residential District Dimensional Standards sets forth density and dimensional standards that are specific to Residential Districts. These standards are in addition to the provisions of *Chapter 63. Regulations of General Applicability.*

Table 66.231. Residential District Dimensional Standards

Zoning District		Lot Size Minimum (per unit)		Height Maximum		Yard Setbacks Minimum (feet)		
		Area (sq. ft.) b	Width (feet)	Stories	Feet	Front	Side	Rear
RL	One-Family Large Lot	21,780 d	80	3	30	30 g,h	10 h	25 h
R1	One-Family	9,600 e	80	3	30	30 g,h	10 h	25 h
R2	One-Family	7,200	60	3	30	25 g,h	8 h	25 h
R3	One-Family	6,000	50	3	30	25 g,h	6 h	25 h
R4	One-Family	5,000	40	3	30	25 g,h	4 h	25 h
RT1	Two-Family	3,000 f	25	3	40	25 g,h	9 h	25 h
RT2	Townhouse	2,500 c,f	20	3	40	25 g,h	9 h,i	25 h
RM1	Multiple-Family	2,000 c,f	n/a	3	40	25 g,h	½ height h,i ~~15~~	25 h,i

RM2	Multiple-Family	1,500 c,f	n/a	5	50	25 g,h	½ height h,i ~~15~~	25 h,i
RM3	Multiple-Family	800 c	n/a	no max.	no max.	~~50~~ g,h,j	~~50~~ h,i,j	~~50~~ h,i,j

n/a - not applicable

Notes to Table 66.231. ~~61.101.~~ Residential Districts Dimensional Standards:

(a) R4 One-Family District dimensional standards shall apply when one-family dwellings are erected in less restrictive residential districts. RT1 Two-Family District dimensional standards shall apply when two-family dwellings are erected in less restrictive residential districts. RM2 Multiple-Family District dimensional standards shall apply when multiple-family residential dwellings five (5) stories or less in height are constructed in an RM3 Multiple-Family District.

(b) In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area and density requirements, one-half the width of such alley adjoining the lot shall be considered as part of the lot.

(c~~g~~) In calculating the area of a lot for the purpose of applying the minimum lot area per unit requirement, the lot area figure may be increased by three hundred (300) square feet for each ~~required~~ parking space (up to two parking spaces per unit) within ~~the~~ a multiple-family structure or otherwise completely underground~~, the lot area figure may be increased by three hundred (300) square feet~~. Parking spaces within an above-ground parking structure, except for the top level, may also be used for this lot area bonus. The maximum number of units possible on a lot using this lot area bonus can be calculated using the formula $X = L \div (A - 600)$, where X = maximum units allowed, L = lot area in square feet, and A = required lot area per unit in square feet. A site plan showing parking layout and dimensions shall be required when applying for this ~~underground parking~~ lot area bonus~~es showing layout and dimensions~~. No multiple-family dwelling shall be built, nor shall any existing structure be converted to a multiple-family dwelling, on a lot that is less than ~~ten~~ nine thousand (~~10,000~~ 9,000) square feet in area.

(d~~k~~) A larger ~~The actual~~ lot ~~size~~ may be required depending on how much square footage is actually needed to properly site and install an individual sewage treatment system.

(e~~l~~) ~~The minimum lot size for residential lots created after the effective date of this ordinance [Ordinance No. 17889],~~ Where over half of the lot has slopes of twelve (12) percent or greater, the minimum lot size shall be fifteen thousand (15,000) square feet. ~~The minimum lot size for residential lots created after the effective date of this ordinance [Ordinance No. 17889], where over half of the lot has slopes of less than twelve (12) percent, shall be nine thousand six hundred (9,600) square feet.~~ When determining lot size, the slope shall be that in existence prior to any grading or filling. Alterations shall not be allowed that will lower the slope from twelve (12) percent or greater to less than twelve (12) percent prior to the creation of new lots.

(f~~e~~) If townhouses are developed on parcels where only the land immediately beneath each dwelling unit constitutes an individually described lot and all other land required for yards, other open space, parking, and other necessary land as required by this code constitutes "common" properties, jointly owned by the owners of the described lots beneath each dwelling unit, the minimum size lot per unit shall be applied to the entire parcel.

~~(e) In an RT-2 Townhouse District, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by one thousand one hundred (1,100).~~

~~In an RM-1 Multi-Family District the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by nine hundred (900).~~

~~In an RM-2 Multiple-Family District the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by six hundred (600).~~

~~In an RM-3 Multiple-Family District the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by three hundred (300).~~

~~In RT-2, RM-1, RM-2 and RM-3 Districts, for the purpose of computing the permitted number of dwelling units, the following room assignments shall control:~~

~~One Bedroom = 2 rooms~~

~~Two Bedroom = 3 rooms~~

~~Three Bedroom = 4 rooms~~

~~Four Bedroom = 5 rooms~~

~~Plans presented showing 1, 2, 3, or 4 bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density. Efficiency apartments shall have the same room assignment as a one bedroom unit.~~

~~In RT-2, RM-1, RM-2 and RM-3 Districts, The area used for computing density shall be the zoning lot area plus half of the width of the alley adjoining the lot. In RT-2, RM-1, RM-2 and RM-3 Districts~~

~~No multiple-family dwelling unit shall be built, nor shall any existing structure be converted to a multiple-family dwelling, on a zoning lot which is less than ten thousand (10,000) square feet in area.~~

(g~~a~~) Where at least fifty (50) percent of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be ~~equal to~~ the average setback of the existing structures, or the normal setback requirement in the district plus half the amount the average setback is greater than the normal setback requirement, whichever is less. ~~except that any~~ Existing structures ~~which is~~ set back twenty (20) percent more or less than the average ~~may~~ shall be discounted from the formula.

(h) ~~b~~) For ~~those uses~~ permitted and conditional principal uses allowed in residential districts ~~(R-LL, R-1 through R-4, RT-1, RT-2, and RM-1 through RM-3) as "principal uses" and "principal uses permitted subject to special conditions,"~~ other than residential uses, the front yard shall be equal to the front yard required for residential use and the side and rear yards shall be equal to one-half the height of the building but in no instance less than the minimum requirements of the district in which said use is located.

~~(d) In the RT-2 District, when two (2) or more buildings are constructed on a single parcel, there shall be a distance of at least eighteen (18) feet between buildings.~~

(i ~~f~~) Side yards are required only for dwelling units on the ends of ~~the~~ townhouse structures. When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings. [This is an appropriate separation for townhouse structures, which have ends similar in mass to one-family buildings.] ~~(h) In an RM-1, RM-2, or RM-3 District,~~ When two (2) or more multifamily buildings are constructed on ~~the~~ a single parcel, there shall be a distance of at least ~~thirty (30)~~ eighteen (18) feet between principal buildings.

~~(i) In an RM-3 District, multiple-family residential buildings five (5) stories or less in height shall conform to the requirements of the RM-2 "Schedule of Regulations," section 61.101, Residential Districts.~~

(j) Minimum front, side and rear setbacks shall be fifty (50) feet or one-half the building height, whichever is less.

~~(j) The building width on any side shall be at least twenty-two (22) feet. The building width shall not include entryways or other appurtenances that do not run the full length of the building.~~

(Code 1956, § 61.101; Ord. No. 16956, 9-9-82; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17524, § 19, 1-6-88; Ord. No. 17889, § 17, 11-21-91; C.F. No. 98-216, § 5, 4-8-98)

Sec. 66.232. Maximum lot coverage.

In Residential Districts, principal structures shall not cover more than thirty-five (35) percent of any zoning lot.

Sec. 66.233. Minimum building width.

In Residential Districts, the building width on any side of one-family and two-family dwellings shall be at least twenty-two (22) feet, not including entryways or other appurtenances that do not run the full length of the building.

Division 4. 66.240. Required Conditions

Sec. 66.241. Number of main (principal) buildings.

In RL-RT1 Residential Districts, there shall be no more than one (1) main (principal) residential building per zoning lot, except as specifically allowed as a conditional use in the district. RT2-RM3 Residential Districts allow multiple residential buildings on a zoning lot. A carriage house building in RT2-RM3 Residential Districts may be regulated as an additional principal residential building or as a carriage house dwelling.

ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Division 1. 66.310. Intent

Sec. 66.311. General intent, TN Traditional Neighborhood districts.

TN Traditional Neighborhood districts are intended to foster the development and growth of compact, pedestrian-oriented urban villages. All three districts are intended to encourage a compatible mix of commercial and residential uses within buildings, sites and blocks; new development in proximity to major transit streets and corridors; and additional choices in housing.

Sec. 66.312. Intent, TN1 Traditional Neighborhood District.

The TN1 Traditional Neighborhood District is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size, with a variety of residential, office and service uses that primarily serve neighborhood needs. It is also intended to serve as a transitional use of land along major thoroughfares, between commercial or industrial districts and residential districts or other less intensive land uses.

Sec. 66.313. Intent, TN2 Traditional Neighborhood District.

The TN2 Traditional Neighborhood District is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.

Sec. 66.314. Intent, TN3 Traditional Neighborhood District.

The TN3 Traditional Neighborhood District provides for higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support:

(a) a mix of uses, including residential, commercial, civic and open space uses in close proximity to one another;

(b) a mix of housing styles, types and sizes to accommodate households of varying sizes, ages and incomes;

(c) a system of interconnected streets and paths that offer multiple routes for motorists, pedestrians and bicyclists, and are connected to existing and future streets;

(d) a system of open space resources and amenities; and incorporation of environmental features into the design of the neighborhood.

The TN3 District is also intended for smaller sites in an existing mixed-use neighborhood center where some of the above elements already exist, or in an area identified in the comprehensive plan as a potential "urban village" site. The above elements may be found within the TN3 district or adjacent to it; the intent is that all would be present within a reasonable walking distance.

Division 2. 66.320. Principal Uses in Traditional Neighborhood Districts

Sec. 66.321. Principal uses.

Table 66.321. Principal Uses in Traditional Neighborhood Districts lists all permitted and conditional uses in the TN1-TN3 Traditional Neighborhood Districts, and notes applicable development standards and conditions.

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	TN1	TN2	TN3	Development Standards
Residential Uses				
Dwellings				
One-family dwelling	P	P	P	✓
Two-family dwelling	P	P	P	
Townhouse	P	P	P	
Multiple-family dwelling	P	P	P	
Carriage house dwelling	C	C	P	✓

Use	TN1	TN2	TN3	Development Standards
Housing for the elderly	P	P	P	
Mixed Commercial-Residential Uses				
Home occupation	P	P	P	✓
Live-work unit	P	P	P	✓
Congregate Living				
Foster home, freestanding foster care home	P	P	P	
Community residential facility, licensed human service	P	P	P	✓
Community residential facility, licensed correctional	C	C	C	✓
Community residential facility, health department licensed	C	C	C	✓
Emergency housing facility	C	C	C	✓
Shelter for battered persons	P/C	P/C	P/C	✓
Transitional housing facility	P/C	P/C	P/C	✓
Roominghouse, boardinghouse	C	P	C	✓
Nursing home, boarding care home, assisted living	P	P	P	✓
Hospice	P	P	P	✓
Dormitory	P/C	P	P	✓
Fraternity, sorority	P/C	P	P	✓
Civic and Institutional Uses				
Educational Facilities				
Day care	P	P	P	✓
School, grades K-12	P	P	P	✓
College, university, seminary, etc.	P	P	P	✓
Trade school, arts school, dance school, etc.	P	P	P	
Social, Cultural, and Recreational Facilities				
Museum	P/C	P	P	✓
Public library	P	P	P	
Public and private park, playground	P	P	P	
Recreation, noncommercial	P	P	P	
Religious Institutions				
Church, chapel, synagogue, place of worship	P	P	P	
Rectory, parsonage	P	P	P	✓
Convent, monastery, religious retreat	P	P	P	✓
Public Services and Utilities				
Antenna, cellular telephone	P/C	P/C	P/C	✓
Municipal building or use	P	P	P	✓
Utility or public service building	C	C	C	✓
Commercial Uses				
Offices				
Administrative office	P	P	P	
Artist, photographer studio, etc.	P	P	P	
Insurance office, real estate office, sales office	P	P	P	
Professional office	P	P	P	
Medical Facilities				
Clinic, medical or dental	P	P	P	
Hospital		C	C	✓
Medical laboratory	P	P	P	

Use	TN1	TN2	TN3	Development Standards
Veterinary clinic		P	P	✓
Retail Sales and Services				
General retail		P/C	P/C	✓
Bank, credit union	P	P	P	
Drive-through sales and services, primary and accessory		C		✓
Dry cleaning, commercial laundry		P	P	✓
Food and related goods sales		P/C	P/C	✓
Food shelf	P	P	P	
Garden center, outdoor		P	P	✓
Laundromat, self -service		P	P	
Liquor store		P/C	P/C	✓
Massage center	P	P	P	
Mortuary, funeral home		P	P	
Photocopying	P	P	P	✓
Post office	P	P	P	
Service business	P	P	P	✓
Service business with showroom or workshop		P	P	✓
Small appliance repair		P	P	
Tattoo shop		P	P	
Tobacco shop		P	P	
Food and Beverages				
Brew on premises store		P	P	✓
Catering		P	P	
Coffee shop, tea house	P/C	P	P	✓
Restaurant		P/C	P/C	✓
Restaurant, carry out , deli		P/C	P/C	✓
Restaurant, fast food		P/C	P/C	✓
Restaurant, outdoor		P	P	✓
Commercial Recreation, Entertainment and Lodging				
Bed and breakfast residence	P	P	P	✓
Hotel, inn		P	P	
Health/sports club		P	P	
Indoor recreation		C	C	✓
Theater, assembly hall		C	C	✓
Automobile Services				
Auto convenience market		C	C	✓
Auto service station			C	✓
Parking Facilities				
Parking facility, commercial			C	✓
Transportation				
Railroad right-of-way	C	C	C	✓
Limited Production and Processing				
Limited production and processing		P/C	P/C	✓
Printing and publishing		P/C	P/C	✓
Accessory Uses				
Accessory use	P	P	P	

Sec. 66.331. Density and dimensional standards table.

Table 66.331. Traditional Neighborhood District Dimensional Standards sets forth density and dimensional standards that are specific to Traditional Neighborhood Districts. These standards are in addition to the provisions of *Chapter 63. Regulations of General Applicability*.

Table 66.331. Traditional Neighborhood District Dimensional Standards

Building Type by Zoning District	Density	Lot Size Minimum (per unit)		Height		Yard Setbacks (Feet)		
	Min. - Max. a	Area (sq. ft.) a	Width (feet)	Min. (stories)	Max. (feet)	Front Min. - Max.	Side Min.	Rear Min.
TN1								
1-family dwelling	6 - 12 units / acre b	3,500 b	30	none	35 d	15 - 25 h	i	15
2-family / townhouse	8 - 20 units / acre b	2,000 b	20	none	35 d	10 - 25 h	i	15
Multifamily	10 - 25 units / acre b	1,700 b	n/a	none	35 d	15 - 25 h	i	i
Non-residential or mixed use (including parking structures)	0.3 - 1.0 FAR	n/a	n/a	none	35 d	0 - 15	i	i
TN2								
1-family dwelling	6 - 12 units / acre b	3,500 b	30	none	35 d	15 - 25 h	i	15
2-family / townhouse	8 - 20 units / acre b	2,000 b	20	none	35 d	10 - 25 h	i	15
Multifamily	10 - 34 units / acre b	1,300 b	n/a	none	35 d,e	15 - 25 h	i	i
Non-residential or mixed use (including parking structures)	0.5 - 2.0 FAR with surface parking 0.5 - 3.0 FAR with structured parking c	n/a	n/a	none	35 d,e	0 - 10	i	i
TN3								
1-family dwelling	8 - 12 units / acre b	3,500 b	30	2	35 d	15 - 25 h	i	15
2-family / townhouse	10 - 20 units / acre b	2,000 b	20	2	35 d	10 - 25 h	i	15
Multifamily	30 - 44 units / acre b	1,000 b	n/a	2	45 d,f	15 - 25 h	i	i
Non-residential or mixed use	1.0 - 3.0 FAR	n/a	n/a	2	55 f	0 - 10	i	i
Parking structures	n/a	n/a	n/a	n/a	45 g	0 - 25	20	20

Min. - Minimum Max. - Maximum FAR - Floor Area Ratio n/a - not applicable

Notes to Table 66.331. Traditional Neighborhood District Dimensional Standards:

(a) Units per acre is calculated based on net acreage for residential development. Density based on units per acre must be calculated for parcels of an acre or more in size. For smaller parcels, the maximum number of units may be calculated based upon minimum lot size per unit. In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area and density requirements, one-half the width of such alley adjoining the lot shall be considered as part of the lot.

(b) In calculating the area of a lot for the purpose of applying lot area and density requirements, the lot area figure may be increased by three hundred (300) square feet for each parking space (up to two parking spaces per unit) within a multiple-family structure or otherwise completely underground. Parking spaces within an above-ground parking structure, except for those on the top level, may also be used for this lot area bonus. The maximum number of units possible on a lot using this lot area bonus can be calculated using the formula $X = L \div (A - 600)$, where X = maximum units allowed, L = lot area in square feet, and A = required lot area per unit in square feet. A site plan showing parking layout and dimensions shall be required when applying for this lot area bonus.

(c) Floor area ratio (FAR) shall be prorated upon the percentage of required parking that is provided as structured parking.

(d) Height of structure may exceed the maximum if set back from side and rear setback lines a distance equal to additional height.

(e) A maximum height of forty-five (45) feet may be permitted with a conditional use permit when the structure is within six hundred (600) feet of an existing or planned transit stop on a designated transit street.

(f) A maximum height of ninety (90) feet may be permitted with a conditional use permit, with the following exception. In developments for which a master plan was adopted by the City Council as of August 23, 2001, and for which there was a signed, approved redevelopment agreement with the Housing and Redevelopment Authority of the city as of August 23, 2001, a maximum height of sixty-five (65) feet may be permitted without a conditional use permit, and a maximum height of one hundred (100) feet may be permitted with a conditional use permit, provided that such developments, to the extent reasonably possible, follow the design guidelines of the "Sustainable Decisions Guide for City Facilities" or other sustainable development guidelines. In the River Corridor Overlay District, the conditional use permit shall be subject to the retention of critical views and vistas from public rights-of-way and open spaces. Critical views and vistas shall be as defined in the city comprehensive plan or by the planning administrator. In order to determine impact on critical views and vistas, the conditional use permit application shall include detailed plans of the proposed building(s) and, for each critical view, at least the following: 1) the height, width and grade elevation(s) of the proposed building(s); 2) the height of significant landmarks and/or geographical features; 3) a series of photographic images showing "before" (as is) and "after" (with the proposed structures) conditions; 4) a comparison of the view impact of a building(s) meeting the forty-five (45) or fifty (55) foot height standard with the view impact of the proposed taller building(s). In determining impact on critical views and vistas, the planning commission shall make findings related to the following: 1) the accuracy of the information and compliance with the requirements above; 2) the extent to which critical views and vistas are retained; 3) the impact on views and vistas of the portion(s) of the building(s) that exceed the forty-five (45) or fifty-five (55) foot height standard; and (4) proposed actions by the applicant to minimize impacts on critical views and vistas. This requirement shall not apply to developments in the River Corridor Overlay District for which a master plan was adopted by the City Council as of August 23, 2001, and for which there was a signed, approved redevelopment agreement with the Housing and Redevelopment Authority of the city as of August 23, 2001.

(g) A maximum height of sixty-five (65) feet may be permitted with a conditional use permit.

(h) Where at least fifty (50) percent of the front footage of the block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing structures, or the normal setback requirement in the district plus half the amount the average setback is greater than the normal setback requirement, whichever is less. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula. The minimum front yard setback shall not exceed the maximum front yard setback requirement. Sixty (60) percent of the front facade must fall within the maximum setback.

(i) No side or rear yards are required along the interior lot lines except as otherwise specified in the building code; provided, that if walls of structures facing such interior lot lines contain windows or other openings, yards of not less than six (6) feet shall be provided. Side and rear yards of at least six (6) feet shall be required when a nonresidential use adjoins a side yard of a residential property. These setback requirements from interior lot lines shall be waived when an easement agreement is recorded as to the affected properties. Proof of such recorded easement shall be provided at the time of application for a building permit. The recording of the easement agreement shall be interpreted to mean that the following intents and purposes of these setback requirements are met: adequate supply of light and air to adjacent property; sufficient space for maintenance of the building from the same lot; and prevention of damage to adjoining property by fire or runoff from roofs.

Division 4. 66.340. Required Conditions

Sec. 66.341. Required conditions in TN1-TN2 Traditional Neighborhood Districts.

(a) *Amount of parking.*

(1) The minimum amount of required parking shall be as specified in Chapter 63.

(2) The maximum amount of surface parking shall not exceed the specified minimum by more than ten (10) percent or two spaces, whichever is greater. If additional parking is desired, it must be placed underground, within an enclosed building, or in a tuck-under garage.

7288 (3) For properties having frontage on a transit street, as defined, the minimum amount of required off-street
7289 parking for nonresidential uses, as specified in Chapter 63, may be reduced by up to twenty-five (25) percent.

7290 (4) For properties within one-quarter (¼) mile of a transit street, as defined, the minimum amount of required
7291 off-street parking for residential uses may be reduced to one parking space per dwelling unit. This provision
7292 applies to principal and secondary dwelling units and units in mixed-use buildings, but not to live-work units.

7293 (b) *Placement of parking.* Surface parking may be located:

7294 (1) To the rear of the principal building or within the rear yard area of the parcel;

7295 (2) In an interior side yard if rear parking is impractical or insufficient, provided that surface parking areas and
7296 entrance drives occupy no more than fifty (50) percent of the total lot frontage;

7297 (3) On a separate lot, in compliance with Section 63.304.

7298 (4) If a variance of this parking placement requirement is necessary to allow parking in front of a building
7299 because of special needs and site constraints, there should be a good pedestrian connection between the
7300 sidewalk and building entrance, and the area should be well landscaped.

7301 (c) In the TN1 District, all activities except for off-street parking and loading shall take place within completely
7302 enclosed buildings, with the exception of outdoor seating areas for coffee shops or similar uses. Drive-through
7303 sales and services (primary or accessory) are not allowed in the TN1 District, and are not allowed unless
7304 specifically permitted by a conditional use permit in the TN2 District.

7305 (d) Storefronts or ground floors originally designed for commercial use shall not be converted to more than fifty (50)
7306 percent residential use without a conditional use permit. In conversion from commercial to residential use, the
7307 elements of traditional storefront design, where present, shall be retained. These include door and window
7308 openings, display windows, intermediate cornice lines, sign bands, awnings, arcades, and primary entrances facing
7309 the public street.

7310 (e) In mixed-use buildings, nonresidential uses shall be located on the first floor or lower floors of the building.
7311 Residential units in mixed-use buildings may be located on any floor, but not directly beneath a nonresidential use.

7312 **Sec. 66.342. Parking requirements in the TN3 Traditional Neighborhood District.**

7313 (a) *Amount of parking.*

7314 (1) The minimum amount of required parking shall be two-thirds of the minimum specified in Chapter 63. On-
7315 street parking located along the frontage of a property may be used to meet parking requirements for that
7316 property.

7317 (2) The maximum amount of off-street surface parking shall not exceed one hundred (100) percent of the
7318 minimum specified in Chapter 63. If additional parking is desired, it must be placed underground, within
7319 an enclosed building, or in a tuck-under garage.

7320 (b) *Placement of parking.* Surface parking may be located:

7321 (1) To the rear of the principal building or within the rear yard area of the parcel.

7322 (2) In an interior side yard if rear parking is impractical or insufficient. Surface parking areas and entrance
7323 drives accessory to a principal building or use may occupy no more than thirty (30) percent of the total lot
7324 frontage.

7325 (3) On a separate lot, in compliance with Section 63.304, provided that surface parking is not permitted as the
7326 principal use of a lot unless it is shared among multiple businesses or uses.

7327 (4) If a variance of this parking placement requirement is necessary to allow parking in front of a building
7328 because of special needs and site constraints, there should be a good pedestrian connection between the
7329 sidewalk and building entrance, and the area should be well landscaped.

7330 **Sec. 66.343. Traditional Neighborhood District design standards.**

7331 (a) *Applicability.* The Traditional Neighborhood District design standards under paragraph (b) below apply to
7332 development within TN1-TN3 Traditional Neighborhood Districts, as indicated in *Table 66.343, Applicability of*
7333 *Traditional Neighborhood District Design Standards.* Site plans and other development proposals within
7334 Traditional Neighborhood Districts shall be consistent with the applicable design standards unless the applicant
7335 can demonstrate that there are circumstances unique to the property that make compliance impractical or
7336 unreasonable. In cases where more specific design standards or guidelines have been developed as part of city
7337 council-approved master plans, small area plans, or other city-approved plans for specific sites, those shall take

precedence. All standards in section 63.110, General design standards, are also applicable to development within TN1-TN3 Traditional Neighborhood Districts.

Table 66.343. Applicability of Traditional Neighborhood District Design Standards

TN Guidelines	TN1	TN2	TN3
1. Land use diversity			✓
2. Similar facing buildings		✓	✓
3. Transitions to lower-density neighborhoods		✓	✓
4. Block length		✓	✓
5. Compatible rehabilitation and reuse	✓	✓	✓
6. Use established building facade line	✓	✓	✓
7. Buildings anchor the corner	✓	✓	✓
8. Front yard landscaping	✓	✓	✓
9. Building facade continuity		✓	✓
10. Building facade articulation – base, middle and top	✓	✓	✓
11. Building facade articulation – vertical	✓	✓	✓
12. Building height – treatment of 1-story buildings	✓	✓	✓
13. Definition of residential entries	✓	✓	✓
14. Door and window openings – minimum and character	✓	✓	✓
15. Materials and detailing	✓	✓	✓
16. Screening of equipment and service areas		✓	✓
17. Interconnected street and alley network		✓	✓
18. Parking both sides of streets		✓	✓
19. Parking location and entrance design	✓	✓	✓
20. Residential garage location	✓	✓	✓
21. Parking lot lighting		✓	✓
22. Entrance location for transit access	✓	✓	✓
23. Street trees	✓	✓	✓
24. Sidewalks	✓	✓	✓

(b) *Traditional Neighborhood District design standards.*

(1) *Land use diversity.* In general, it is desirable for each block to include some diversity in housing type, building type, and mix of land uses. Any two abutting block faces shall include more than one land use or building type.

(2) *Similar facing buildings.* Buildings that face each other across a street shall be generally similar in height, scale and articulation.

(3) *Transitions to lower-density neighborhoods.* Transitions in density or intensity shall be managed through careful attention to building height, scale, massing and solar exposure.

(4) *Block length.* Block faces in mixed use areas shall typically not exceed four hundred (400) feet. Block faces in residential areas shall typically follow the pattern of neighboring blocks, but shall not exceed six hundred sixty (660) feet, the length of the standard Saint Paul block.

(5) *Compatible rehabilitation and reuse.* Remodeling, additions or other alterations to existing traditional buildings shall be done in a manner that is compatible with the original scale, massing, detailing and materials of the original building. Original materials shall be retained and preserved to the extent possible.

(6) *Use established building facade lines.* New buildings shall relate to the established building facade line on the block where they are located. On most nonresidential or mixed use blocks, this is the inside edge of the sidewalk. For corner buildings, each facade that fronts a public street shall maintain the established building facade line. Portions of the facade may be set back a greater distance to emphasize entries or create outdoor seating and gathering areas.

(7) *Buildings anchor the corner*. New buildings on corner lots shall be oriented to the corner and both public streets.

(8) *Front yard landscaping*. Front yard areas located between the principal building and the street shall be landscaped. Hard surfaced areas should include amenities such as benches and planters.

(9) *Building facade continuity*. New buildings along commercial and mixed-use streets shall provide a continuous facade along the street. Where breaks occur, the street edge shall be continued through the use of fencing, low walls and/or landscaping.

(10) *Building facade articulation – base, middle and top*.

a. Most traditional buildings in Saint Paul have a strong pattern of base, middle and top, created by variations in detailing, color and materials. New buildings shall respond to this pattern.

b. Articulated tops shall be considered in the design of all new buildings. This articulation might consist of pitched roofs, dormers, gable ends, cornice detailing, etc.

c. The base of the building shall include elements that relate to the human scale. These should include doors and windows, texture, projections, awnings and canopies, ornament, etc.

(11) *Building facade articulation – vertical*. Consistent with most traditional buildings in Saint Paul, a building width of forty (40) feet or less is encouraged. New buildings of more than forty (40) feet in width shall be divided into smaller increments, between twenty (20) and forty (40) feet in width, through articulation of the facade. This can be achieved through combinations of the following techniques, and others that may meet the objective.

a. Facade modulation - stepping back or extending forward a portion of the facade.

b. Vertical divisions using different textures or materials (although materials should be drawn from a common palette).

c. Division into storefronts, with separate display windows and entrances.

d. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.

e. Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval.

(12) *Building height – treatment of 1-story buildings*. New buildings of two or more stories are encouraged in TN1 and TN2 Districts, and required in the TN3 District. One-story buildings, where constructed, shall be designed to convey an impression of greater height in relation to the street. This can be achieved through the use of pitched roofs with dormers or gables facing the street, a higher parapet, and/or the use of an intermediate cornice line to separate the ground floor and the upper level.

(13) *Definition of residential entries*. Porches, steps, pent roofs, roof overhangs, hooded front doors or similar architectural elements shall be used to define all primary residential entrances.

(14) *Door and window openings – minimum and character*.

a. For new commercial and civic buildings, windows and doors or openings shall comprise at least fifty (50) percent of the length and at least thirty (30) percent of the area of the ground floor of the primary street facade.

b. Windows shall be designed with punched and recessed openings, in order to create a strong rhythm of light and shadow.

c. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior.

d. Window shape, size and patterns shall emphasize the intended organization of the facade and the definition of the building.

(15) *Materials and detailing*.

a. Nonresidential or mixed use buildings shall be constructed of high-quality materials such as brick, stone, textured cast stone, or tinted masonry units. The following materials are generally not acceptable:

- unadorned plain or painted concrete block
- tilt-up concrete panels
- pre-fabricated steel or sheet metal panels
- reflective glass
- aluminum, vinyl, fiberglass, asphalt or fiberboard siding

b. All building facades visible from a public street or walkway shall employ materials and design features similar to those of the front facade.

(16) *Screening of equipment and service areas*. If an outdoor storage, service or loading area is visible from adjacent residential uses or a public street or walkway, it shall be screened by a decorative fence, wall or screen of plant material at least six (6) feet in height. Fences and walls shall be architecturally compatible with the primary structure.

(17) *Interconnected street and alley network*. The existing street and alley network shall be preserved and extended as part of any new development. If the street network has been interrupted, it shall be restored whenever possible. Cul-de-sac streets are discouraged; crescent-shaped or courtyard street arrangements may be used when street connections are impractical.

(18) *On-street parking*. Streets shall generally have parking on both sides to buffer pedestrians, calm traffic and supplement off-street parking unless the space is needed to accommodate traffic volume, emergency vehicles, transit or deliveries.

(19) *Parking location and entrance design*.

a. Off-street parking shall be provided within a principal structure, underground, or to the rear of buildings to the greatest extent possible. Limited side yard parking may be appropriate. Entrance drives and garage doors for underground or structured parking may face the street, but shall be designed for pedestrian convenience and safety.

b. Surface parking shall not be located within thirty (30) feet of a corner. Buildings shall be located to emphasize and "anchor" the corner whenever possible.

(20) *Residential garage location*. Attached residential garages shall be recessed at least ten (10) feet behind the front facade of the building. Detached residential garages shall be located in the side or rear yard, recessed at least twenty-five (25) feet behind the front facade of the building. When an alley is present, garages shall be located in the rear yard and accessed through the alley.

(21) *Parking lot lighting*. Pedestrian-scale lighting shall be provided within parking areas. Light standards shall be nine (9) to twelve (12) feet in height and have a downcast glow.

(22) *Entrance location for transit access*. New and existing retail, office and multifamily housing shall coordinate with the transit agency in locating bus stops and related improvements. Building entrances shall be located to provide easy access to bus stops and shelters.

(23) *Street trees*. Street trees in the street right-of-way, as prescribed by the City Forester and Section 69.600 of the Subdivision Regulations, and other landscape improvements shall be provided along all streets at regular intervals to help define the street edge, buffer pedestrians from vehicles, and provide shade. Trees shall be located in a planting strip at least five (5) feet wide between the curb and sidewalk, or in a planter or planting structure of a design acceptable to the City.

(24) *Sidewalks*. Streets shall be designed with sidewalks on both sides except where they abut a park or other open space. Sidewalk width shall be at least five (5) feet, and six (6) feet or more in areas of high pedestrian activity.

Sec. 66.344. TN3 Traditional Neighborhood District required elements.

This section applies to TN3 districts for which a master plan designates blocks or portions of blocks as "mixed residential," mixed use," "open space," "edge," or "transition area." A TN3 Traditional Neighborhood District of fifteen (15) or more acres in area shall include, at a minimum, a mixed residential area and the specified minimum percentage of open space within one-quarter (¼) mile of a mixed-use neighborhood center. These elements may be found within

7480 the TN3 district or adjacent to it; the intent is that they would be present within a reasonable walking distance. A mixed
7481 use area and/or an edge/transition area may also be required, depending on the criteria listed below.

7482 (a) *Mixed use area.* The mixed use area consists of service and retail commercial uses, workplaces, civic uses,
7483 housing, and public open space. It contains the broadest variety of land uses, and is intended to function as a center
7484 of activity for residents of the entire TN3 District and, potentially, surrounding areas.

7485 (1) All residential lots within a TN3 Traditional Neighborhood District should be located within approximately
7486 one-half mile of an existing or proposed mixed use area.

7487 (2) The requirement to include a mixed use area may be fulfilled by adjacent mixed use areas such as
7488 neighborhood commercial nodes.

7489 (3) A mixed use area shall be composed of at least two of the following land use categories, as categorized in
7490 *Table 66.321. Principal Uses in Traditional Neighborhood Districts*:

7491 a. Commercial uses, such as general retail, restaurants, offices, services and accommodations.

7492 b. Residential uses, not including one-family or two-family dwellings.

7493 c. Civic and institutional uses such as school, place of worship, community meeting facility, library, and
7494 transit station.

7495 (4) A new mixed use area shall also include centrally located public open space, in the form of a square, park
7496 or plaza.

7497 (b) *Mixed residential area.* A mixed residential area consists of a variety of housing types and limited office and
7498 service uses. It may be located anywhere within the TN3 district, and is intended to be linked to surrounding areas
7499 by interconnected streets, paths and open spaces.

7500 (1) A minimum of fifty (50) percent of all dwelling units shall consist of multifamily units, units in mixed-use
7501 buildings, and/or attached single-family units such as townhouses and live-work units.

7502 (2) If over fifty (50) units are proposed in a site plan or master plan, at least two housing types must be included
7503 from the following categories:

7504 a. one- and two-family dwellings;

7505 b. attached units such as townhouses and live-work units; and

7506 c. other multifamily dwellings

7507 (3) For infill development, the required mix of residential uses may be satisfied by existing adjacent residential
7508 uses within a two-block radius.

7509 (4) Up to twenty (20) percent of total floor area may consist of office and limited service uses as part of live-
7510 work units or integrated into residential structures.

7511 (5) All residential lots shall be located within one-half mile of existing or planned public or common open space.

7512 (c) *Edge or transition area.* An edge area may be required as a lower-density transitional zone responding to adjacent
7513 uses. The required mix of housing types specified in the previous sections will not apply in transition areas.
7514 Densities and uses will depend on adjacent conditions.

7515 (d) *Open space areas.* For a TN3 district of fifteen (15) or more acres in area, a minimum of twenty (20) percent of
7516 a district's gross acreage, exclusive of street or alley right-of-way, must be defined in the master plan as open space,
7517 which may include undevelopable areas such as steep slopes and wetlands, and stormwater basins.

7518 (1) A minimum of fifty (50) percent of the required open space shall be accessible to and usable by the public,
7519 such as a central square or plaza, neighborhood parks, greenways, trail corridors, or extensions of existing
7520 parks on the periphery (as specified in comprehensive or small area plans, or in the master plan process).

7521 (2) Existing parks or open space adjacent to the area may satisfy the open space requirement; a fee-in-lieu of
7522 park dedication may be required for enhancements to such adjacent existing parks or open space.

7523 **Sec. 66.345. TN3 District planning requirements.**

7524 (a) *Previous plans.* Any pre-existing City-approved plans, such as small area plans, precinct plans or master plans,
7525 prepared for the site or the surrounding area shall be incorporated as appropriate in preparing any development plan

7526 for a TN3 Traditional Neighborhood District site. It is understood that these plans may occasionally be amended
7527 as conditions change. The intent of such plans shall be realized to the extent possible in any subsequent
7528 development plans.

7529 (b) *Master plan.* For any TN3 district of fifteen (15) acres or more in area, a master plan shall be provided for review
7530 and recommendation by the Planning Commission and approval by City Council resolution. The master plan may
7531 be already in existence, or it may be prepared by City staff or by the applicant or developer. A TN3 area for which
7532 a master plan has been adopted by the city council shall be designated as a TN3(M) district. The master plan shall
7533 include the following information:

7534 (1) A location map of suitable scale showing the boundaries and dimensions of the site within the context of the
7535 community and adjacent parcels. The map or maps shall show:

7536 a. Locations of any streets; railroads; significant natural, geographic or topographic features; and other
7537 major features within five hundred (500) feet of the site; and

7538 b. Existing parks, open space, major institutions, and concentrations of commercial use within one-half
7539 mile of the site.

7540 (2) A site inventory and analysis to identify site resources and constraints, including floodplain, wetlands, poorly
7541 drained soils, soils with bedrock near surface, utility easements, slopes greater than twelve (12) percent, and
7542 areas of possible soil contamination.

7543 (3) Plan graphics, including but not limited to the following:

7544 a. Topographic contours at five (5) foot intervals.

7545 b. Layout of blocks.

7546 c. Circulation system, indicating existing and proposed streets or rights-of-way, transit stops, bike routes,
7547 sidewalks and other walkways.

7548 d. Street classification system, designating all streets by function within the site.

7549 e. Block-level analysis, designating blocks or portions of blocks as "mixed residential," "mixed use,"
7550 "edge," "transition," or other (see section 66.344, Required elements) and identifying primary building
7551 types on each block. Blocks may be designated for a range of traditional neighborhood elements and
7552 building types. Undesignated blocks would allow the full range of TN3 uses and building types. Blocks
7553 shall be defined in relation to adjacent street classifications and open space.

7554 f. Open space plan, including all areas to be set aside as public or private open space and their preliminary
7555 design treatment.

7556 g. Preliminary landscape plan, indicating street trees and landscape treatment of all streets and public
7557 spaces.

7558 (4) Plan graphics may (but are not required to) include examples of building elevations for each building type;
7559 an indication of building scale, height, massing, parking location and relationship to the street; visual analysis
7560 of impact on critical views and vistas; and examples of streetscape and other public improvements, including
7561 light fixtures, screening walls and fences, benches and other street furniture.

7562 (5) A preliminary stormwater plan, identifying preliminary locations of structures and methods to be used in
7563 managing stormwater and surface water on the site. Any wetlands or floodplain on the site shall be
7564 identified. Integration of stormwater treatment into the landscape and site design is encouraged, as is the use
7565 of natural methods such as ponds, wetlands or swales.

7566 (6) Phasing plan, where applicable, including the phasing of open space and street improvements.

7567 (7) Utilities plan, indicating existing conditions and proposed changes, as appropriate.

7568 (c) *Changes to master plan.* Once approved, a master plan may be modified as follows:

7569 (1) *Minor modification.* Minor modifications to an approved master plan may be requested by the property
7570 owner or developer. The planning administrator may approve minor modifications, including changes of less
7571 than ten (10) percent in land area designated in a specific category, provided such changes are consistent with
7572 the intent of the master plan.

(2) *Major modification.* Major modifications to an approved master plan may be initiated by the city council, the planning commission, or any person having an ownership or leasehold interest (contingent included) in property that is the subject of the proposed modification. Major modifications include changes of ten (10) percent or more in land area designated in a specific category; creation of a new public street or removal of a public street segment; removal of a park or open space area; or addition or removal of an entire block. Major modifications may be approved as an amendment to the master plan by city council resolution following planning commission review, public hearing and recommendation.

ARTICLE IV. 66.400. BUSINESS DISTRICTS

Division 1. 66.410. Intent

~~Division 3. 60.500. Business Districts~~

~~*Subdivision 1. 60.510. OS-1 Local Office-Service District*~~

Sec. 66.411. ~~60.511.~~ Intent, OS Office-Service District.

The ~~OS-1 Local~~ Office-Service District is intended to accommodate various types of office and service uses performing administrative, professional and personal services and to serve as a transitional use between the more intensive uses of land such as major thoroughfares or commercial districts and the less intensive uses of land such as one-family residential.

(Code 1956, § 60.471; C.F. No. 96-694, § 6, 7-10-96; C.F. No. 00-972, 11-8-00)

~~**Sec. 60.512. Principal uses permitted.**~~

~~**Sec. 60.513. Required conditions.**~~

~~**Sec. 60.514. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.515. Area, bulk, and setback requirements.**~~

~~See Chapter 61, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.~~

~~(Code 1956, § 60.474; C.F. No. 96-694, § 6, 7-10-96)~~

~~*Subdivision 2. 60.520. OS-2 General Office-Service District*~~

~~**Sec. 60.521. Intent.**~~

~~The OS-2 General Office-Service District is intended to provide for development of compact, pedestrian-oriented urban villages with a diverse mix of commercial, residential, civic and recreational uses located within a quarter mile of high-frequency transit service.~~

~~(C.F. No. 00-972, 11-8-00)~~

~~**Sec. 60.522. Principal uses permitted.**~~

~~In an OS-2 General Office-Service District the use of land, the location and erection of new buildings or structures, and the alteration, enlargement and moving of existing buildings or structures from other locations or districts shall conform to the following specified uses, unless otherwise provided in this code:~~

~~(1) All principal uses permitted and uses permitted subject to special conditions and as regulated in the OS-1 District, except cellular telephone antennas located on a freestanding pole.~~

~~(2) Post offices and similar governmental offices.~~

~~(3) Retail businesses that supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions, hardware, books, stationery and plants, with up to 10,000 square feet of gross floor area.~~

~~(4) Eating and liquor-licensed establishments, except drive-in or fast-food restaurants.~~

~~(5) Hotels and hospitals.~~

~~(6) Dry cleaning establishments, or pickup stations, dealing directly with the customer, and self-service laundries and dry cleaners. Central dry cleaning plants servicing more than one (1) retail outlet are prohibited.~~

~~(7) Manufacturing of small, precision goods such as dental, surgical or optical goods, or electronic assemblies, along with light assembly, packaging and distribution activities.~~

~~(8) Other uses similar to the above uses.~~

~~(9) Accessory buildings, structures and uses as defined in section 60.201.~~

~~(10) Carriage house dwellings, provided that a maximum of one carriage house dwelling shall be allowed per principal dwelling unit.~~

~~(11) Above ground parking buildings not exceeding forty-five (45) feet in height.~~

~~(C.F. No. 00-972, 11-8-00)~~

~~**Sec. 60.523. Required conditions.**~~

~~The following conditions shall be required of all uses in the OS-2 General Office-Service District:~~

~~(1) Except for off-street parking or loading, all business, storage, servicing or processing shall be conducted within completely enclosed buildings.~~

~~(2) The scale, massing and materials of buildings shall be compatible with adjacent structures in the district. The base, middle and top of buildings shall be architecturally delineated.~~

~~(3) The exterior surface of buildings shall be articulated with vertical elements. Windows, doors and other building openings shall be square or vertical in proportion. The first floor shall be articulated with windows, entrances, etc. that relate to the scale of a pedestrian at street level.~~

~~(4) Roof-top mechanical systems, service equipment and head houses for elevators and stairs shall be enclosed and not visible from public rights-of-way.~~

~~(5) Parking shall be provided underground (below-grade) or to the rear of buildings. Access to parking shall be at the rear or interior of the lot to the greatest extent possible. Garage doors for underground parking may face the street, but shall be as unobtrusive and pedestrian-friendly as possible.~~

~~(C.F. No. 00-972, 11-8-00)~~

~~**Sec. 60.524. Principal uses subject to special conditions.**~~

~~The following additional uses shall be permitted, subject to the conditions hereinafter imposed for each and subject to the standards specified for all special condition uses as set forth in section 64.300(d). All principal uses permitted subject to special conditions shall be reviewed and approved by the planning commission.~~

~~(1) Retail businesses that supply commodities on the premises, as allowed in the OS-2 district section 60.522(2), with more than ten thousand (10,000) square feet of gross floor area.~~

~~(2) Buildings over fifty (50) feet in height, subject to the following conditions:~~

~~a. Critical views and vistas from public rights-of-way and open spaces shall be retained, especially between the bluffs and the river and between the river valley floor and the bluffs. Critical views and vistas shall be as defined in the city comprehensive plan and any other views determined to be critical by the planning administrator. Applicants shall provide the planning commission detailed plans of the proposed building(s) and, for each view for which a view study is prepared, at least the following: 1) detailed information regarding the height and width of the proposed building(s), including the height of roof peaks and rooftop structures, as well as the grade elevation(s); 2) detailed information regarding the height of significant landmarks and/or geographical features; 3) a series of photographic images showing "before" (as is) and "after" (with the proposed structures) conditions; and 4) a comparison of the view impact of a building(s) 50 feet in height as the proposed location with the view impact of the proposed building(s) exceeding fifty (50) feet in height. Based on the specifics of each case, the planning commission may request additional information. The view points, views and vistas shall be accurately portrayed in the view studies and clearly~~

~~marked as to direction, view station point, view terminus, and significant landmarks and/or geographical features. In determining impact, the planning commission shall make findings related to the following:~~

~~1. The accuracy of the information presented in the view studies and compliance with the requirements above;~~

~~2. The extent to which critical views and vistas are retained or affected;~~

~~3. The impact on views and vistas of the portion(s) of the buildings(s) that exceeds 50 feet in the height; and~~

~~4. Mitigating actions by the applicant to minimize impact on critical views and vistas.~~

~~b. No building shall exceed ninety (90) feet in height. No above-ground parking buildings shall exceed sixty-five (65) feet in height.~~

~~(3) Above-ground parking buildings over forty-five (45) feet in height, subject to the condition that no such building shall exceed sixty-five (65) feet in height.~~

~~(4) Cellular telephone antennas located on a freestanding pole, as regulated in the OS-1 district, section 60.514(5)a. through h.~~

~~(5) Accessory buildings, structures and uses customarily incident to the above uses.~~

~~(C.F. No. 00-972, 11-8-00; C.F. No. 01-501, § 2, 7-5-01)~~

~~**Sec. 60.524.1. Principal uses subject to special conditions; exception.**~~

~~The provisions of section 60.524(2) of this chapter shall not apply to developments for which a master plan has been adopted by the city council of the city as of the effective date of this section and for which there is a signed, approved redevelopment agreement with the housing and redevelopment authority of the city as of the effective date of this section, provided that final design plans are presented to the city council prior to staff approval and that such projects will, to the extent reasonably possible, follow the design guidelines of the sustainable decisions guide for city facilities or other sustainable development guidelines.~~

~~(C.F. No. 01-501, § 2, 7-5-01)~~

~~**Sec. 60.525. Area, bulk and setback requirements.**~~

~~See chapter 61, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.~~

~~(C.F. No. 00-972, 11-8-00)~~

~~*Subdivision 3. 60.530. B-1 Local Business District*~~

Sec. 66.412. ~~60.531.~~ Intent, B1 Local Business District.

The B-1 Local Business District is intended to permit those uses as are necessary to satisfy the basic convenience shopping or service needs of persons residing in nearby residential areas.

(Code 1956, § 60.481; C.F. No. 00-972, 11-8-00)

~~**Sec. 60.532. Principal uses permitted.**~~

~~**Sec. 60.533. Required conditions.**~~

~~**Sec. 60.534. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.535. Area, bulk and setback requirements.**~~

~~*Subdivision 5. 60.550. B-2C Community Business (Converted) District*~~

Sec. 66.413. ~~60.551.~~ Intent, BC Community Business (Converted) District.

~~It is the intent of~~ The B~~-2~~C Community Business (Converted) District ~~to create~~ is a business district expressly for existing residential structures in commercial areas, which will permit the operation of businesses which do not generate large amounts of traffic and at the same time will retain the visual character of the building forms and open space associated with residential uses. This includes a limited height on buildings and front and side yards. It is further the intent of this district to provide parking for employees who work in buildings which are converted from residential to business use.

(Ord. No. 17062, 10-20-83; C.F. No. 00-972, 11-8-00)

~~**Sec. 60.552. Principal uses permitted.**~~

~~**Sec. 60.553. Required conditions.**~~

~~**Sec. 60.554. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.555. Area, bulk, and yard setback requirements.**~~

~~*Subdivision 4. 60.540. B-2 Community Business District*~~

Sec. 66.414. ~~60.541.~~ Intent, B2 Community Business District.

The B~~-~~2 Community Business District is intended to serve the needs of a consumer population larger than that served by the "Local Business District," and is generally characterized by a cluster of establishments generating large volumes of vehicular and pedestrian traffic.

(Code 1956, § 60.491; C.F. No. 00-972, 11-8-00)

~~**Sec. 60.542. Principal uses permitted.**~~

~~**Sec. 60.543. Required conditions.**~~

~~**Sec. 60.544. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.545. Area, bulk and yard setback requirements.**~~

~~*Subdivision 6. 60.560. B-3 General Business District*~~

Sec. 66.415. ~~60.561.~~ Intent, B3 General Business District.

The B~~-~~3 General Business District is intended to provide sites for more diversified types of businesses than those in the B~~-~~1 and B~~-~~2 Business Districts, and is intended for ~~location,~~ use along major traffic arteries or adjacent to ~~the~~ Community Business Districts.

(Code 1956, § 60.501; C.F. No. 00-972, 11-8-00)

~~**Sec. 60.562. Principal uses permitted.**~~

~~**Sec. 60.563. Required conditions.**~~

~~**Sec. 60.564. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.565. Area, bulk and setback requirements.**~~

~~*Subdivision 7. 60.570. B-4 Central Business District*~~

Sec. 66.416. ~~60.571.~~ Intent, B4 Central Business District.

~~(a)~~ The B~~-~~4 Central Business District ~~is intended to permit those uses which~~ provides for a variety of retail stores and related activities, ~~and for~~ office buildings and service establishments which occupy the prime frontages in the Central Business District~~;~~ and ~~which~~ serve ~~the~~ a consumer population beyond the corporate boundaries of the city. ~~(b)~~ The district ~~regulations are~~ is also designed to provide for the needs of the daytime work force, a Central Business District resident population and a transient population, along with the recreation demands of such population groups.

(Code 1956, § 60.511; C.F. No. 00-972, 11-8-00)

~~**Sec. 60.572. Principal uses permitted.**~~

~~**Sec. 60.573. Required conditions.**~~

~~**Sec. 60.574. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.575. Area, bulk and yard setback requirements.**~~

~~*Subdivision 8. 60.580. B-5 Central Business-Service District*~~

Sec. 66.417. ~~60.581.~~ Intent, B5 Central Business-Service District.

~~(a)~~ The B-5 Central Business-Service District is intended to provide ~~the~~ necessary services for the population area which is served by all of the previous business districts. Such service establishments often involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, and are thus incompatible with the previous business districts. ~~(b)~~ The~~se~~ district~~s~~ provides for wholesaling, restricted manufacturing and other business uses which are needed in proximity to the Central Business District and require central location to permit serving of the entire city.

(Code 1956, § 60.521; C.F. No. 00-972, 11-8-00)

~~**Sec. 60.582. Principal uses permitted.**~~

~~**Sec. 60.583. Required conditions.**~~

~~**Sec. 60.584. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.585. Area, bulk, and yard setback requirements.**~~

Division 2. 66.420. Principal Uses in Business Districts

Sec. 66.421. Principal uses.

Table 66.421. Principal Uses in Business Districts lists all permitted and conditional uses in the OS-B5 Business Districts, and notes applicable development standards and conditions.

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Development standards
Residential Uses								
Dwellings								
One-family dwelling			P					
Two-family dwelling			P					
Townhouse			P					
Multiple-family dwelling	P		P			P	P	
Carriage house dwelling			C					✓
Housing for the elderly	P		P			P	P	
Mixed Commercial-Residential Uses								
Home occupation	P	P	P	P	P	P	P	✓
Live-work unit			P					✓
Mixed residential and commercial use	P	P	P	P	P	P	P	✓
Congregate Living								
Foster home, freestanding foster care home	P	P	P	P	P	P	P	✓
Community residential facility, licensed human service	P	P	P	P	P	P	P	✓
Community residential facility, licensed correctional			C	C	C	C	C	✓

Use	OS	B1	BC	B2	B3	B4	B5	Development standards
Community residential facility, health department licensed			C	C	C	C	C	✓
Emergency housing facility			C	C	C	C	C	✓
Overnight shelter							C	✓
Shelter for battered persons	P/C	P/C	P/C	P/C	P	P	P	✓
Transitional housing facility	P/C	P/C	P/C	P/C	P	P	P	✓
Roominghouse, boardinghouse			C					✓
Nursing home, boarding care home, assisted living			C					✓
Hospice	C	C	P/C	C	P	P	P	✓
Dormitory			P/C					✓
Fraternity, sorority			P/C					✓
Civic and Institutional Uses								
Educational Facilities								
Day care	P	P	P	P	P	P	P	
School, grades K-12	P	P	P	P	P	P	P	
College, university, seminary, etc.	P	P	P	P	P	P	P	✓
Trade school, arts school, dance school, etc.	P	P	P	P	P	P	P	
Social, Cultural, and Recreational Facilities								
Club, fraternal organization, lodge hall				P	P	P	P	
Museum						P	P	
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Recreation, noncommercial	P	P	P	P	P	P	P	
Religious Institutions								
Church, chapel, synagogue, place of worship	P	P	P	P	P	P	P	
Rectory, parsonage	P	P	P	P	P	P	P	
Convent, monastery, religious retreat	P	P	P	P	P	P	P	
Public Services and Utilities								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
Electric transformer or gas regulator substation		C	C	C	P	P	P	✓
Municipal building or use	P	P	P	P	P	P	P	✓
Public utility ~~steam~~ heating or cooling plant							P	
Utility or public service building	C	P	P	P	P	P	P	✓
Commercial Uses								
Offices								
Administrative office	P	P	P	P	P	P	P	
Artist, photographer studio, etc.	P	P	P	P	P	P	P	
Insurance office, real estate office, sales office	P	P	P	P	P	P	P	
Professional office	P	P	P	P	P	P	P	
Medical Facilities								
Clinic, medical or dental	P	P	P	P	P	P	P	
Hospital					P	P	P	
Medical Laboratory	P	P	P	P	P	P	P	
Veterinary clinic				P	P	P	P	✓
Retail Sales and Services								
General retail		P	P	P	P	P	P	
Bank, credit union	P	P	P	P	P	P	P	
Business sales and services					P	P	P	

Use	OS	B1	BC	B2	B3	B4	B5	Development standards
Currency exchange				~~P~~	~~P~~ C	P	P	✓
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	✓
Dry cleaning, commercial laundry		P	P	P	P	P	P	✓
Food and related goods sales		P	P	P	P	P	P	
Food shelf	P	P	P	P	P	P	P	
Garden center, outdoor			C	C	P			✓
Greenhouse					C			✓
Laundromat, self-service		P	P	P	P	P	P	
Liquor store		P	P	P	P	P	P	
Massage center	P	P	P	P	P	P	P	
Mortuary, funeral home					P	P	P	
Outdoor uses, commercial					C			✓
Package delivery service					P	P	P	
Pawn shop			~~C~~	~~C~~	C	P	P	✓
Photocopying	P	P	P	P	P	P	P	
Post office		P	P	P	P	P	P	
Service business	P	P	P	P	P	P	P	
Service business with showroom or workshop			P	P	P	P	P	
Small appliance repair				P	P	P	P	
Small engine repair, automotive bench work					P	P	P	
Tattoo shop			P	P	P	P	P	
Tobacco shop		P	P	P	P	P	P	
Food and Beverages								
Brew on premises store				P	P	P	P	
Catering				P	P	P	P	
Coffee kiosk				P	P	P	P	
Coffee shop, tea house		P/C		P	P	P	P	✓
Restaurant				P	P	P	P	
Restaurant, carry-out, deli		P		P	P	P	P	
Restaurant, fast-food				P/C	P/C	P	P	✓
Restaurant, outdoor				P	P	P	P	✓
Commercial Recreation, Entertainment and Lodging								
Bed and breakfast residence		P	P	P	P			✓
Bingo hall, auction hall				C	P	P	P	
Health/sports club			~~P~~	P	P	P	P	
Hotel, inn, motel					P	P	P	
Indoor recreation				C	P	P	P	✓
Reception hall				P	P	P	P	
Steam room/bathhouse facility			P	P	P	P	P	
Theater, assembly hall, concert hall				P	P	P	P	
Adult Entertainment								
Adult use					C	C	C	✓
Automobile Services								
Auto convenience market				C	C		P	✓
Auto service station				C	C		P	✓
Auto speciality store				C	C		P	✓
Auto repair station					C		P	✓
Auto sales, indoor					P	P	P	
Auto sales and rental, outdoor					C			✓
Car wash					C			✓

Use	OS	B1	BC	B2	B3	B4	B5	Development standards
Parking Facilities								
Parking facility, commercial						P	P	
Transportation								
Bus or railroad passenger station					P	P	P	
Helistop					C	C	C	✓
Railroad right-of-way	C	C	C	C	C	P	P	✓
Limited Production, Processing and Storage								
Finishing shop					P		P	✓
Limited production and processing					P		P	✓
Mail order house			P	P	P	P	P	
Malt liquor manufacturing					P	P	P	✓
Plastic products							P	
Printing and publishing				P/C	P	P	P	
Recycling collection center					P			✓
Recycling drop-off station			P	P	P	P	P	✓
Toiletries and cosmetic manufacturing							P	
Warehousing and storage							P	✓
Wholesale establishment					P	P	P	✓
Accessory Uses								
Accessory use	P	P	P	P	P	P	P	

Division 3. 66.430. Business District Density and Dimensional Standards

~~**Sec. 61.103. Business Districts.**~~

Sec. 66.431. Density and dimensional standards table.

Table 66.431. Business District Dimensional Standards sets forth density and dimensional standards that are specific to Business Districts. These standards are in addition to the provisions of *Chapter 63. Regulations of General Applicability.*

Table 66.431. Business District Dimensional Standards

Zoning District		Floor Area Ratio (FAR)	Height Maximum		Yard Setbacks Minimum (feet)		
		Maximum	Stories	Feet	Front	Side	Rear
OS	Office-Service	1.0	3 a	30 a	15 b,d	6	e, f
B1	Local Business	1.0	3	30	15 b,d	6	e, f
BC	Community Business (Converted)	g	3 a	30 a	25 c	4	25
B2	Community Business	2.0	a	30 a	0 d,f	e	e, f
B3	General Business	2.0	a	30 a	0 d	e	e, f
B4	Central Business	8.0 h	no limit	no limit	0	0	0 f
B5	Central Business - Service	5.0 h	no limit	no limit	0	0	0 f

Notes to Table 66.431. ~~61.103.~~ Business Districts Dimensional Standards:

(a~~d~~) The height of the structure may exceed the maximum building height allowed in the district, provided the structure is set back from all setback lines a distance equal to the height which said structure exceeds the maximum building height allowed in the district.

(b~~a~~) Off-street parking shall be permitted to occupy a required front yard ~~setback;~~ provided~~,~~ that the off-street parking area, exclusive of access driveways, shall be set back a minimum distance of six (6) feet from any ~~front or side~~

street right-of-way and meet the ~~off-street parking area~~ setback ~~meets the~~ requirements of section 66.431(d) ~~61.103(f)~~.

(c~~i~~) Since B~~-2~~C zoned property has a residential character, buildings shall maintain a twenty-five-foot front setback or meet the requirements of section 66.231(g) ~~61.101(a)~~.

(d~~g~~) On those lots or parcels, or portions of lots or parcels, which adjoin a right-of-way line of a parkway, the required setbacks from the parkway right-of-way line shall be equal to that required for residential uses in effect along the parkway right-of-way or twenty-five (25) feet, whichever is greater. ~~(h) Those~~ The following parkways and portions of parkways ~~listed below~~ are excluded from ~~the~~ this setback requirements ~~established in subsection (g) above~~: Ford Parkway (from Kenneth Street to Finn Street and north side between Finn Street and ~~Mount Curve~~ Mississippi River Boulevard)~~.~~, Gannon Road, and Lexington Parkway (from Pierce Butler Route to the nearest Burlington Northern Railroad tracks).

(e~~b~~) No side or rear yards are required along the interior lot lines of the district, except as otherwise specified in the building code; provided, that if walls of structures facing such interior lot lines contain windows~~,~~ or other openings, yards of not less than six (6) feet shall be provided. Side and rear yards of at least six (6) feet shall be required when a business district adjoins a side yard in an adjacent residence district. These setback requirements from interior lot lines shall be waived when an easement agreement is recorded as to the affected properties. Proof of such recorded easement shall be provided at the time of application for a building permit. The recording of the easement agreement shall be interpreted to mean that the following intents and purposes of these setback requirements are met: adequate supply of sunlight and air to adjacent property; sufficient space for maintenance of the building from the same lot; and prevention of damage to adjoining property by fire or runoff from roofs.

(f ~~c~~) Off-street loading space shall be provided in the rear yard in accordance with the requirements of section 63.400 ~~62.105~~.

~~(c) The height of structures in an OS-2 General Office-Service District may exceed fifty (50) feet in height, subject to conditions under section 60.524(2). The height of above ground parking buildings in an OS-2 General Office-Service District may exceed forty-five (45) feet in height, subject to the conditions under section 60.524(3).~~

(g) In the BC Community Business (Converted) District, principal structures shall not cover more than thirty-five (35) percent of any zoning lot, and residential buildings shall meet the minimum lot size per unit requirements of section 66.231 for the RM2 Multiple-Family Residential District.

(h~~f~~) Floor area bonuses, which encourage certain building features which produce public benefits, shall be granted as follows:

Table 66.431(f). Business District Floor Area Bonuses

Building Feature	Unit of Feature Upon which Bonus is Based	Square Feet of Bonus Floor Area per Unit of Feature		Maximum Bonus (Percent of Basic Allowable Gross~~)~~ Floor Area)
		B-4 Central Business District	B-5 Central Business Service District	
1 Setback from street	Each square foot of setback area (minimum setback of 10 feet)	10	7	20%
2 Arcade	Each square foot of arcade area	7	4	15%
3 Plaza	Each square foot of plaza area	7	5	15%
4 Setback from side lot line	Each square foot of side setback area	5	3	15%
5 Lower coverage above 4th floor	Each square foot of building setback from floor below	3	2	10%

For the purpose of this bonus provision, an arcade and plaza shall be defined as follows:

Arcade. An "arcade" is a continuous area open to a street or to a plaza, which is open and unobstructed to a height of not less than twelve (12) feet, is accessible to the public at all times, and either:

(1) Adjoins a front lot line or a plaza boundary, is not less than ten (10) feet or more than thirty (30) feet in depth (measured perpendicular to the front lot line or plaza boundary which it adjoins), and extends for the full length of, or forty (40) feet along, such front lot line or plaza boundary, whichever is the lesser distance; or

(2) On a corner lot, is bounded on two (2) sides by the two (2) intersecting street lines, and has an area of not less than five hundred (500) square feet and a minimum dimension of ten (10) feet.

Such an arcade shall not at any point be above the level of the sidewalk or plaza which it adjoins, whichever is higher. Any portion of an arcade occupied by building columns shall be considered to be part of the area of the arcade for purposes of computing a floor area bonus.

Plaza. A "plaza" is an open area accessible to the public at all times, which is either:

(1) A continuous open area along a front lot line, not less than ten (10) feet deep (measured perpendicular to the front lot line), with an area of not less than five hundred fifty (550) square feet, and extending for its entire depth along the full length of such front lot line or for a distance of at least forty (40) feet thereof, whichever is the lesser distance; or

(2) A continuous open area on a through lot, extending from street to street and not less than forty (40) feet in width, measured perpendicular to the nearest side lot line; or

(3) On a corner lot, an open area of not less than three hundred fifty (350) square feet, which is bounded on two (2) sides by the two (2) intersecting street lines and which has a minimum dimension of ten (10) feet; or

(4) An open area of not less than four thousand (4,000) square feet, with a minimum dimension of forty (40) feet, which is bounded on one side by a front lot line or~~f~~ which is connected to the street by means of an arcade~~,~~ or by an open area of not less than thirty (30) feet wide.

Except for an open area as set forth in item (4) above, no portion of such an open area which is bounded on all sides, except for one opening, by either building walls, or building walls and a side lot line, shall be considered part of the plaza, unless the opening of such portion is at least forty (40) feet in width.

A plaza shall not at any point be more than five (5) feet above the curb level of the nearest adjoining street, and shall be unobstructed from its lowest level to the sky, except for those obstructions permitted by the planning commission.

(Code 1956, § 61.103; Ord. No. 17204, 1-15-85; Ord. No. 17778, § 1, 10-11-90; C.F. No. 93-1718, § 63, 12-14-93; C.F. No. 97-1089, § 5, 10-1-97; C.F. No. 00-972, 11-8-00; C.F. No. 01-501, § 3, 7-5-01)

Division 4. 66.440. Required Conditions

~~Sec. 60.513. Required conditions.~~

~~The following conditions shall be required of all uses in the OS-1 Local Office-Service District: Except for off-street parking or loading, all business, storage, servicing or processing shall be conducted within completely enclosed buildings.~~

~~(C.F. No. 92-1479, § 3, 12-15-92; C.F. No. 95-1444, § 2, 1-17-96; C.F. No. 96-694, § 6, 7-10-96; C.F. No. 00-972, 11-8-00)~~

~~Sec. 60.533. Required conditions.~~

~~The following conditions shall be required of all uses in the B-1 Local Business District:~~

~~(1) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on the premises where produced.~~

~~(2) Except for off-street parking or loading, all business, storage, servicing or processing shall be conducted within completely enclosed buildings.~~ [Combined with §66.441 below]

~~(Code 1956, § 60.483; C.F. No. 92-1479, § 4, 12-15-92; C.F. No. 00-972, 11-8-00)~~

Sec. 66.441. ~~60.543.~~ Required conditions in the OS-B2 Business Districts.

~~The following conditions shall be required of all uses in the B-2 Community Business District:~~

(a~~1~~) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.

(b~~2~~) All business, storage, servicing or processing shall be conducted within completely enclosed buildings~~. Provided, however, that the following uses may be conducted outdoors if specifically allowed as a permitted use or special condition use:~~, except for off-street parking, off-street loading , and ~~or~~ outdoor uses specifically allowed as permitted or conditional uses. ~~businesses and outdoor businesses with outdoor storage~~.

(Code 1956, § 60.493; C.F. No. 92-1479, § 5, 12-15-92; C.F. No. 00-972, 11-8-00)

Sec. 66.442. ~~60.553.~~ Parking requirements~~d conditions~~ in the BC Community Business (Converted) District.

~~The following conditions shall be required of all uses~~ In the B~~-2~~C Community Business (Converted) District~~: (1)~~, when existing buildings are converted from residential to business use, when existing buildings are enlarged, and when new buildings are erected, off-street parking shall be provided as follows:

(a~~.~~) Residential uses: One and one-half (1 ½) spaces per dwelling unit.

(b~~.~~) All other uses: One (1) space for every four hundred (400) square feet of gross floor area or as required in section 63~~2~~.200~~103(g)~~, whichever requires the fewer number of parking spaces.

(c~~.~~) Off-street parking spaces shall not be located within a front yard and must be set back at least two (2) feet from a side lot line.

(d~~.~~) Off-street parking facilities on lots without principal buildings shall provide principal access from the street.

~~(2) Except for off-street parking or loading, all business, storage, servicing or processing shall be conducted within completely enclosed buildings.~~ [Combined with §66.441 above.]

(Ord. No. 17062, 10-20-83; C.F. No. 92-1479, § 10, 12-15-92; C.F. No. 91-261, § 2, 11-23-93; C.F. No. 97-1089, § 7, 10-1-97; C.F. No. 99-750, § 4, 9-1-99; C.F. No. 00-972, 11-8-00)

Sec. 66.443. ~~60.563.~~ Required conditions in the B3 General Business District.

~~The following conditions shall be required of all uses in the B-3 General Business District:~~ All business, storage, servicing or processing shall be conducted within completely enclosed buildings~~:, provided, however, that the following uses may be conducted outdoors if specifically allowed as a permitted use or special condition use:~~ except for off-street parking, off-street loading, and ~~or~~ outdoor uses specifically allowed as permitted or conditional uses ~~businesses and outdoor businesses with outdoor storage~~.

(Ord. No. 17524, § 16, 1-6-88; C.F. No. 92-1479, § 6, 12-15-92; C.F. No. 00-972, 11-8-00)

Sec. 66.444. ~~60.573.~~ Required conditions in the B4 Central Business District.

To promote the most desirable use of land in the Central Business District in accordance with a well-conceived plan, to promote stability of commercial development, to strengthen the economic base of the city, to protect the character and pattern of desirable development, to conserve the value of land and buildings, and to protect the city's tax revenue, the following specified conditions shall be met by all uses ~~precedent to location~~ in the Central Business District:

(a~~1~~) They shall benefit from a Central Business District location and are appropriate in the Central Business District.

(b~~2~~) They generally do not create any significant objectionable influences. The normal operation incident to the use shall in no way diminish or impair property values within the district.

(c~~3~~) They involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

(d~~4~~) All business, storage, servicing or processing shall be conducted within completely enclosed buildings~~. Provided, however, that the following uses may be conducted outdoor if specifically allowed as a permitted use or special condition use:~~, except for off-street parking, off-street loading, and ~~or~~ outdoor uses specifically allowed as permitted or conditional uses ~~businesses and outdoor businesses with outdoor storage~~.

(e~~5~~) They encourage, because of their own character, other similar uses ~~similar to the above-permitted uses,~~ to concentrate in continuous retail frontage to the mutual advantage of both consumers and the principal permitted uses.

(f~~6~~) They shall not require frequent vehicular or truck movements across sidewalks which will prove hazardous to pedestrian and other vehicular traffic.

(g~~7~~) They shall not require any manufacturing process other than that which is considered an essentially custom manufacturing process which ~~shall~~ benefits from a Central Business District location as a result of requiring direct dealing with ~~the~~ consumers in the district.

(h~~8~~) They shall not, by locating in the Central Business District, impede the normal and orderly development and improvement of the surrounding uses permitted in the district.

(i~~9~~) They shall in all respects conform to the applicable regulations of the district.

(Code 1956, § 60.513; C.F. No. 92-1479, § 8, 12-15-92; C.F. No. 00-972, 11-8-00)

Sec. 66.445. ~~60.583.~~ Required conditions in the B5 Central Business-Service District.

(a) ~~The following conditions shall be required of all uses in the B-5 Central Business-Service District:~~ All business, storage, servicing or processing shall be conducted within completely enclosed buildings~~:~~, ~~provided, however, that the following uses may be conducted outdoors if specifically allowed as a permitted use or special condition use:~~ except for off-street parking, off-street loading, and ~~or~~ outdoor uses specifically allowed as permitted or conditional uses ~~businesses and outdoor businesses with outdoor storage~~.

(b) ~~Sec. 60.582(8)i. Similar~~ Manufacturing uses ~~which~~ similar in character to those specifically listed as permitted uses in the Central Business-Service District may be permitted if the planning commission ~~shall~~ makes the following findings ~~to be~~:

(1) The use is related and reasonably necessary or convenient for the satisfactory and efficient operation of the Central Business-Service District; and

~~2. Similar in character to the above-permitted uses.~~

(3) The use requires a central location in the city to permit efficient transportation.

(C.F. No. 92-1479, § 9, 12-15-92; C.F. No. 00-972, 11-8-00)

ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

Division 1. 66.510. Intent

~~*Subdivision 6. 60.770. RCI-1 River Corridor Industrial District*~~

Sec. 66.511. ~~60.771.~~ Intent, IR River Corridor Industrial District.

The IR~~CI-1~~ River Corridor Industrial District is intended to provide sites for commercial, office and industrial uses in the Mississippi River corridor which are consistent with the comprehensive plan's river corridor plan. Within the district, buildings will be placed to be harmonious with surrounding buildings and uses and to protect views from adjacent districts.

(Ord No. 17511, 3, 11-12-87)

~~**Sec. 60.772. Principal uses permitted.**~~

~~**Sec. 60.773. Principal uses permitted subject to special conditions.**~~

~~**Sec. 60.774. Standards for principal uses subject to special conditions.**~~ [Moved to *§66.540. Required Conditions.*]

~~**Sec. 60.775. Required conditions.**~~ [Moved to *§66.540. Required Conditions.*]

~~**Sec. 60.776. Special setbacks.**~~ [Moved to *§66.540. Required Conditions.*]

~~All uses shall be subject to the special setbacks set forth in section 60.775.~~

~~(Ord. No. 17511, § 3, 11-12-87)~~

~~**Sec. 60.777. Area, bulk and yard setback requirements.**~~

~~Division 4. 60.600. Industrial Districts~~

~~*Subdivision 1. 60.610. I-1 Industrial District*~~

Sec. 66.512. ~~60.611.~~ Intent, I1 Light Industrial District.

The I~~-~~1 Light Industrial District is intended to ~~primarily~~ accommodate wholesale, ~~and~~ warehouse ~~activities~~, and industrial operations whose external~~,~~ physical effects are restricted to the area of the district and in no manner affect ~~the~~ surrounding districts in a detrimental way. The I~~-~~1 District is intended to permit, along with other specified uses, the manufacturing,

compounding, processing, packaging, assembly, or treatment of finished or semifinished products from previously prepared material.

(Code 1956, § 60.531)

~~**Sec. 60.612. Principal uses permitted.**~~

~~**Sec. 60.613. Required conditions.**~~ [Moved to *§66.540. Required Conditions.*]

~~**Sec. 60.614. Principal uses permitted subject to special conditions.**~~

Sec. 60.615. Area, bulk, and setback requirements.

~~*Subdivision 2. 60.620. I-2 Industrial District*~~

Sec. 66.513. ~~60.621.~~ Intent, I2 General Industrial District.

The I-2 General Industrial District is intended primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations whose external effects will be felt in surrounding districts. The I-2 District is intended to permit the manufacturing, processing and compounding of semifinished products from raw material and prepared material. The processing of raw material in bulk form to be used in an industrial operation is a permitted use in the I-2 District.

(Code 1956, § 60.541)

~~**Sec. 60.622. Principal uses permitted.**~~

~~**Sec. 60.623. Required conditions.**~~ [Moved to *§66.540. Required Conditions.*]

~~**Sec. 60.624. Principal uses subject to special conditions.**~~

~~**Sec. 60.625. Area, bulk, and yard setback requirements.**~~

~~*Subdivision 3. 60.630. I-3 Industrial District.*~~

Sec. 66.514. ~~60.631.~~ Intent, I3 Restricted Industrial District.

The I-3 Restricted Industrial District is intended to provide sites for ~~the development of extensive~~ uses which are or can be objectionable or hazardous unless surrounded by other types of industrial districts.

(Code 1956, § 60.551)

~~**Sec. 60.632. Principal uses permitted.**~~

~~**Sec. 60.633. Required conditions.**~~ [Moved to *§66.540. Required Conditions.*]

~~**Sec. 60.634. Principal uses subject to special conditions.**~~

~~**Sec. 60.635. Area, bulk and yard setback requirements.**~~

Division 2. 66.520. Principal Uses in Industrial Districts

Sec. 66.521. Principal uses.

Table 66.521. Principal Uses in Industrial Districts lists all permitted and conditional uses in the IR-I3 Industrial Districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IR	I1	I2	I3	Development Standards
Residential Uses					
Mixed Commercial-Residential Uses					
Home Occupation	P	P	P		✓
Mixed residential and commercial use	P	P	P		✓
Congregate Living					
Foster home, freestanding foster care home	P	P	P		✓
Community residential facility, licensed human service	P	P	P		✓
Community residential facility, licensed correctional		C	C		✓
Community residential facility, health department licensed		C	C		✓
Correctional facility		C	P	C	
Emergency housing facility		C	C		✓
Overnight shelter		C	C		✓
Shelter for battered persons	P	P	P		✓
Transitional housing facility	P	P	P		✓
Hospice	P	P	P		✓
Civic and Institutional Uses					
Educational Facilities					
Group day care	P~~C~~	P	P		✓
School, grades K-12	P	P	P		
College, university, seminary, etc.	P	P	P		✓
Trade school, arts school, dance school, etc.	P	P	P		
Social, Cultural, and Recreational Facilities					
Club, fraternal organization, lodge hall	P	P	P		
Public Library	P	P	P		
Public and private park, playground	P	P	P		
Recreation, noncommercial	P	P	P		
Religious Institutions					
Church, chapel, synagogue, place of worship	P	P	P		
Rectory, parsonage	P	P	P		
Convent, monastery, religious retreat	P	P	P		
Public Services and Utilities					
Antenna, cellular telephone	P/C	P/C	P	P	✓
Antenna, public utility microwave	C	C	P	P	✓
Antenna, radio and television transmitting	C	C	P	P~~C~~	✓
Antenna, satellite dish	C	C	P	P~~C~~	✓
Electric transformer or gas regulator substation	P	P	P	P	
Municipal building or use	P	P	P		
Municipal incinerator			P	P~~C~~	
Power plant			P	P~~C~~	
Public utility heating or cooling plant		P	P	P	
Public works yard or maintenance facility		P	P	P~~C~~	
Sewage treatment plant			P	P~~C~~	
Utility or public service building or yard	P	P	P	P~~C~~	
Water supply plant	P	P	P	P~~C~~	
Yard waste site, commercial and municipal		C	C	P~~C~~	✓
Commercial Uses					
Offices					

Use	IR	I1	I2	I3	Development Standards
Administrative office	P	P	P		
Artist, photographer studio, etc.	P	P	P		
Insurance office, real estate office, sales office	P	P	P		
Professional office	P	P	P		
Medical Facilities					
Clinic, medical or dental	P	P	P		
Hospital	P	P	P		
Medical laboratory	P	P	P		
Veterinary clinic	P	P	P		✓
Retail Sales and Services					
General retail	P	P	P		
Bank, credit union	P	P	P		
Business sales and services	P	P	P		
Currency exchange	P	P	P		✓
Drive-through sales and services, primary and accessory	P	P	P		✓
Dry cleaning, commercial laundry	P	P	P		
Food and related goods sales	P	P	P		
Food shelf	P	P	P		
Garden center, outdoor	P	P	P		✓
Greenhouse	P ~~C~~	P ~~C~~	P ~~C~~		✓
Gun shop, shooting gallery		C	P	P ~~C~~	✓
Laundromat, self-service	P	P	P		
Liquor store	P	P	P		
Massage center	P	P	P		
Mortuary, funeral home		P	P		
Outdoor uses, commercial		C	P		✓
Package delivery service	P	P	P		
Pawn shop		C	P		✓
Photocopying	P	P	P		
Post office	P	P	P		
Service business	P	P	P		
Service business with showroom or workshop	P	P	P		
Small appliance repair	P	P	P		
Small engine repair, automotive bench work	P	P	P		
Tattoo shop	P	P	P		
Tobacco shop	P	P	P		
Food and Beverages					
Brew on premises store	P	P	P		
Catering	P	P	P		
Coffee kiosk	P	P	P		
Coffee shop, tea house	P	P	P		
Restaurant	P	P	P		
Restaurant, carry-out-deli	P	P	P		
Restaurant, fast food	P/C	P	P		✓
Restaurant, outdoor	P	P	P		✓
Commercial Recreation, Entertainment and Lodging					
Bed and breakfast residence	P	P	P		
Bingo hall, auction hall	P	P	P		
Health/sports club	P	P	P		
Hotel, inn, motel	P	P	P		

Use	IR	I1	I2	I3	Development Standards
Indoor recreation	P	P	P		✓
Outdoor (drive-in) theater		C	P	P-~~C~~	✓
Race track		C	P	P-~~C~~	
Reception hall	P	P	P		
Steam room/bathhouse facility	P	P	P		
Theater, assembly hall, concert hall	P	P	P		
Adult Entertainment					
Adult use		C	C		✓
Automobile Services					
Auto body shop		P	P	P-~~C~~	
Auto convenience market	P	P	P		✓
Auto service station		P	P		✓
Auto speciality store	P	P	P		✓
Auto repair station		P	P		✓
Auto sales, indoor		P	P		
Auto sales and rental, outdoor		P	P		✓
Car wash		P-~~C~~	P		✓
Parking facilities					
Parking facility, commercial		P	P	C	
Transportation					
Airport		C	C	C	
Bus garage, station, lot, or turnaround		P	P	C	
Heliport		C	C	C	✓
Helistop	C	C	C	C	✓
Intermodal freight yard			C	C	✓
Motor freight terminal			C	C	✓
Railroad right-of-way, transfer and storage tracks	P	P	P	P	
Railroad station or terminal freight facility	P	P	P	C	
Railroad yard or shop	C	C	P	P-~~C~~	
Taxi dispatching, maintenance and storage		P	P	P-~~C~~	
Limited Production, Processing and Storage					
Finishing shop	P	P	P		✓
Limited production and processing	P	P	P		✓
Mail order house	P	P	P		
Malt liquor manufacturing	P	P	P		
Plastic products	P	P	P		
Printing and publishing	P	P	P		
Recycling collection center		P	P		✓
Recycling drop-off station	P	P	P		✓
Storage facility, rental		P	P	P-~~C~~	
Toiletries and cosmetic manufacturing	P	P	P		
Warehousing and storage	P	P	P		
Wholesale establishment	P	P	P		
Industrial Uses					
Light manufacturing	P	P	P	C	
General industrial			P	P-~~C~~	
General outdoor processing			C	C	✓
Brewery, micro and regional	P	P	P		
Brewery, national			P		

Use	IR	I1	I2	I3	Development Standards
Concrete, asphalt and rock crushing facility				C	✓
Greenhouse, industrial	P	P	P		
Hazardous waste processing facility			C	C	✓
Infectious waste incinerator				C	✓
Infectious waste processing facility			C	C	✓
Lumber yard	P	P	P		
Mining			C	C	
Motor vehicle salvage operation			C	C	✓
Petroleum and gasoline tank farms				P	
Recycling processing center, indoor		P	P	P~~C~~	✓
Recycling processing center, outdoor			C	C	✓
Rendering plants and tanning				P	
Research, development and testing laboratory	P	P	P		
Solid waste compost facility			C	C	✓
Solid waste transfer station			P	C	
Tire retreading	P	P	P	P~~C~~	
Accessory Uses					
Accessory use	P	P	P	P	

Division 3. 66.530. Industrial District Density and Dimensional Standards

~~**Sec. 61.104. Industrial Districts.**~~

Sec. 66.531. Density and dimensional standards table.

Table 66.531. Industrial District Dimensional Standards sets forth density and dimensional standards that are specific to Industrial Districts. These standards are in addition to the provisions of *Chapter 63. Regulations of General Applicability.*

Table 66.531. Industrial District Dimensional Standards

Zoning District		Floor Area Ratio (FAR)	Height Maximum		Yard Setbacks Minimum (feet)		
		Maximum	Stories	Feet	Front	Side	Rear
IR	River Corridor Industrial	2.0	3 a	30 a	0 c,d,e,f	0 c,f	0 c, f
I1	Light Industrial	2.0	b	50 b	0 c,d,e,f	0 c,f	0 c, f
I2	General Industrial	3.0	b	75 b	0 c,d,e,f	0 c,f	0 c ,f
I3	Restricted Industrial	1.0	b	75 b	0 c,d,e,f	0 c,f	0 c, f

Notes to Table 66.531. ~~61.104.~~ Industrial District~~s~~ Dimensional Standards:

(a~~m~~) Buildings may exceed three (3) stories or thirty (30) feet in height but only after approval by the planning commission as a conditional ~~permitted~~ use ~~subject to special conditions~~. No such building ~~dwelling~~ shall exceed one hundred fifty (150) feet in height.

(b~~a~~) The height ~~regulation shall not apply to those portions of any building or~~ of the structure may exceed the maximum building height allowed in the district provided the structure is ~~which are~~ set back from ~~any~~ all exterior property lines of the parcel~~, on which such building or structure is constructed,~~ a distance equal to the height which said structure exceeds the maximum building height ~~of building~~ allowed in ~~said~~ the district.

(c~~b~~) On those lots or parcels, or portions of lots or parcels, which are located directly across a street or abut a side or rear lot line in any use district~~,~~ other than an IR, I-1, I-2, I-3, or PV~~-1~~ District, the required setbacks from said

abutting districts shall be equal to a minimum of one and one-half (1½) times the height of the buildings, except as noted in section 63.102~~3~~.

(d~~c~~) On those lots or parcels, or portions of lots or parcels, which adjoin a right-of-way line of a parkway, the required setbacks from the parkway right-of-way line shall be equal to that required for residential uses in effect along the parkway right-of-way or twenty-five (25) feet, whichever is greater. ~~(f) Those~~ The following parkways and portions of parkways ~~listed below~~ are excluded from ~~the~~ this setback requirements~~ established in subsection (c) above~~: Ford Parkway (from Kenneth Street to Finn Street and north~~ern~~ side between Finn Street and ~~from Mount Curve Boulevard to~~ Mississippi River Boulevard)~~.~~, Gannon Road, and Lexington Parkway (from Pierce Butler Route to the nearest Burlington Northern Railroad tracks).

(e~~c~~) Where the frontage of any block is divided into two (2) or more zoning districts, the front yard requirements of the district with the largest front yard depth shall be applied to the entire block frontage.

(f~~d~~) Nonrequired front yards and all required and nonrequired side and rear yards shall be permitted to be used for off-street parking. Loading and unloading shall not be permitted in any required front, side or rear yards.

(Code 1956, § 61.104; Ord. No. 17204, 1-15-85; Ord. No. 17778, § 2, 10-11-90; C.F. No. 92-1479, § 19, 12-15-92; C.F. No. 93-1718, § 64, 12-14-93; C.F. No. 96-462, § 7, 6-5-96)

~~**NOTES TO 61.105 SPECIAL DISTRICTS:**~~

~~(a) The intent of this district is to permit planned development throughout the city which shall be substantially in accord with the comprehensive plan of future land use. In reviewing planned developments, the planning commission may use as guides the standards for the individual districts as set forth in this "Schedule of Regulations," Chapter 61.~~

~~(b)~~ [Moved to *Article VII. PV Vehicular Parking District.*]

~~(c)~~ [Moved to *Article VII. PV Vehicular Parking District.*]

~~(d), (e) Reserved.~~

~~(f) For multiple-family dwellings no more than three (3) stories or thirty (30) feet in height, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by six hundred (600).~~

~~For multiple-family dwellings over three (3) stories or thirty (30) feet in height, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by three hundred (300).~~

~~For the purpose of computing the permitted number of dwelling units, the following room assignments shall control:~~

~~One bedroom = 2 rooms~~

~~Two bedroom = 3 rooms~~

~~Three bedroom = 4 rooms~~

~~Four bedroom = 5 rooms~~

~~Plans presented showing one, two (2), three (3) or four (4) bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density. Efficiency apartments shall have the same room assignment as a one bedroom unit.~~

~~The area used for computing density shall be the zoning lot area plus half of the width of any alley adjoining the lot.~~

~~No multiple-family dwelling shall be built, nor shall any existing structure be converted to a multiple-family dwelling, on a zoning lot which is less than ten thousand (10,000) square feet in area.~~

~~(g) When townhouses are developed, the regulations of section 61.101, notes ©) and (f) shall apply.~~

~~(h) Bonuses for underground parking shall apply according to the regulations of section 61.101, note (g).~~

~~(i) Multiple-family dwellings may exceed three (3) stories or thirty (30) feet in height but only after approval by the planning commission as a permitted use subject to special conditions. No such multiple-family dwelling shall exceed one hundred fifty (150) feet in height.~~

~~(j) For uses other than residential uses, the regulations of section 61.101, note (b) shall apply.~~

~~(k) When two (2) or more buildings are constructed on the parcel, there shall be a distance of at least thirty (30) feet between buildings.~~

~~(l) For multiple-family dwellings over three (3) stories or thirty (30) feet in height, the following minimum yard setbacks shall apply:~~

	~~Side~~		
~~Front~~	~~Minimum~~	~~Total of Two~~	~~Rear~~
~~50~~	~~50~~	~~100~~	~~50~~

~~(m)~~ [Moved to item (a) above.]

~~(n) No side or rear yards are required along the interior lot lines of the district, except as otherwise specified in the building code; provided, that if walls of structures facing such interior lot lines contain windows, or other openings, yards of not less than ten (10) feet shall be provided. Side and rear yards of at least ten (10) feet shall be required when the district adjoins a side yard in an adjacent residence district.~~

~~(o) Off-street loading space shall be provided in the rear yard in accordance with the requirements of section 62.105.~~

~~(p)~~ [Moved to item (c) above.]

~~(q) Nonrequired front yards and all required and nonrequired side and rear yards shall be permitted to be used for off-street parking. Loading and unloading shall be permitted in all nonrequired side and rear yards.~~

(Code 1956, § 61.105; Ord. No. 17117, 3-22-84; Ord. No. 17204, 1-15-85; Ord. No. 17222, § 3, 3-14-85; Ord. No. 17511, § 4, 11-12-87; C.F. No. 92-1479, § 20, 12-15-92)

Division 4. 66.540. Required Conditions

Sec. 66.541. ~~60.613.~~ Required conditions in the IR-I3 Industrial Districts.

~~The following conditions shall be required of all uses in the I-1 Industrial District:~~

(a~~3~~) *Outdoor storage.* Outdoor storage ~~shall be~~ is permitted subject to the following conditions:

(1~~a~~.) Except as provided in section 63~~2~~.113~~08(f)~~, outdoor storage shall be no closer than three hundred (300) feet to a residential district or to a property occupied with a one-, two-, three-, four-, townhouse or multiple-family dwelling.

(2~~b~~.) Outdoor storage shall be fenced or walled. Outdoor storage which abuts a thoroughfare, a business district or a PD district shall be behind a six-foot-high obscuring fence. However, an obscuring fence shall not be required if the outdoor storage is screened by a building or topography. On sites where the topography renders an obscuring fence ineffectual as a screen, landscape screening shall be required.

(b~~2~~) *Outdoor uses.* In the IR, I1, and I3 Industrial Districts, all business, servicing, processing or manufacturing shall be conducted within completely enclosed buildings~~.~~, ~~Provided, however, that the following uses may be conducted outdoors if specifically allowed as a permitted use or special condition use:~~ except for off-street parking, off-street loading , and ~~or~~ outdoor uses specifically allowed as permitted or conditional uses ~~businesses and outdoor businesses with outdoor storage~~.

(c~~1~~) Activities involving storage, utilization or manufacture of materials or products which contain their own oxidizing agent and which decompose by detonation are not permitted in the IR-I1 Industrial Districts; provided~~,~~ that storage of small arms ammunition ~~when stored~~ for retail sale shall be permitted; and further provided~~,~~ that research, medical and hospital laboratories, when operating under the direct supervision of scientifically trained personnel, may use the above material for research, medical and development purposes. Such activities are allowed in the I2 General Industrial District when specifically authorized under the codes and ordinances of the City of Saint Paul.

(Code 1956, § 60.533; Ord. No. 16913, 4-27-82; Ord. No. 17039, 7-7-83; C.F. No.92-1479, § 11, 12-15-92; C.F. No. 93-1718, § 54, 12-14-93)

~~**Sec. 60.623. Required conditions.**~~

~~The following conditions shall be required in the I-2 Industrial District:~~

~~(1) Activities involving the storage, utilization or manufacture of materials or products which contain their own oxidizing agent and which decompose by detonation are permitted in the I-2 District when specifically authorized under the codes and ordinances of the City of Saint Paul.~~

~~(2) Outdoor storage shall be permitted subject to the following conditions:~~

~~a. Except as provided in section 62.108(f), outdoor storage shall be no closer than three hundred (300) feet to a residential district or to a property occupied with a one-, two-, three-, four-, townhouse or multiple-family dwelling.~~

~~b. Outdoor storage shall be fenced or walled. Outdoor storage which abuts a thoroughfare, a business district or a PD district shall be behind a six-foot-high obscuring fence. However, an obscuring fence shall not be required if the outdoor storage is screened by a building or topography. On sites where the topography renders an obscuring fence ineffectual as a screen, landscape screening shall be required.~~

(d~~3~~) Meat packing plants, large metal shredders, the refining of petroleum or gasoline, and stock yards~~, meat packing plants, large metal shredders, the incineration of infectious wastes and the crushing of rock, asphalt or concrete for recycling~~ are prohibited ~~in this district~~.

(Code 1956, § 60.543; Ord. No. 16913, 4-27-82; Ord. No. 17039, 7-7-83; C.F. No. 92-1479, § 12, 12-15-92; C.F. No. 93-906, § 3, 11-4-93; C.F. No. 93-1718, § 55, 12-14-93; C.F. No. 97-1406, § 3, 12-10-97)

~~Sec. 60.633. Required conditions.~~

~~The following conditions shall be required of all uses in the I-3 Industrial District:~~

~~(1) Except for off-street parking or loading, all business, servicing, processing or manufacturing shall be conducted within completely enclosed buildings.~~

~~(2) Outdoor storage shall be permitted subject to the following conditions:~~

~~a. Except as provided in section 62.108(f), outdoor storage shall be no closer than three hundred (300) feet to a residential district or to a property occupied with a one-, two-, three-, four-, townhouse or multiple-family dwelling.~~

~~b. Outdoor storage shall be fenced or walled. Outdoor storage which abuts a thoroughfare, a business district or a PD district shall be behind a six-foot-high obscuring fence. However, an obscuring fence shall not be required if the outdoor storage is screened by a building or topography. On sites where the topography renders an obscuring fence ineffectual as a screen, landscape screening shall be required.~~

~~(3) The refining of petroleum or gasoline, stock yards, meat packing plants, and large metal shredders are prohibited in this district.~~

~~(C.F. No. 92-1479, § 16, 12-15-92; C.F. No. 93-906, § 5, 11-4-93; C.F. No. 93-1718, § 57, 12-14-93; C.F. No. 97-1406, § 4, 12-10-97)~~

~~Sec. 60.754. Standards for principal uses subject to special conditions.~~

~~Before the planning commission may grant approval of a principal use subject to special condition, the commission shall find that the use meets all of the following standards:~~

~~(1) The use will promote the public peace, health, safety and welfare.~~

~~(2) The use will be in compliance with the Saint Paul Comprehensive Plan.~~

~~(3) The use will promote and enhance critical view corridors between the river and river valley and surrounding bluffs as set forth in the comprehensive plan.~~

~~(4) The extent, location and intensity of the use will be in substantial accord with the comprehensive plan.~~

~~(5) The use will conform to the applicable regulations of the zoning district and river corridor overlay zoning district in which the use is located.~~

~~(6) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.~~

~~(7) The use will not create nor tend to create an excessive nuisance in the area.~~

~~(8) The use will not adversely affect property values.~~

~~(Ord. No. 17511, § 1, 11-12-87; Ord. No. 17670, § 2, 7-20-89)~~

Sec. 66.542. ~~60.755.~~ IR River Corridor Industrial District special setbacks.

Notwithstanding any other yard or setback requirement of the zoning code, the following special setbacks shall apply to all principal ~~uses~~ permitted and conditional ~~and principal~~ uses ~~permitted subject to special conditions~~ within the IR River Corridor Industrial District:

(a~~1~~) No off-street parking facility shall be located within one hundred (100) feet of the normal high-water level of the Mississippi River, except river basins, unless the facility is within a completely enclosed building containing a principal ~~uses~~ permitted or conditional ~~principal~~ uses ~~permitted subject to special conditions~~. Parking in local parks may be located closer than one hundred (100) feet to the normal high-water level provided the parking is adequately landscaped and the parking location has been reviewed by the planning commission and approved by the city council in a park development plan.

(b~~2~~) In any yard which adjoins a publicly owned park, buildings may be constructed at the lot line subject to setbacks being provided in accordance with the table below:

Park Setbacks

~~Story of~~ Building Height (stories)	Setback from Lot Line
1, 2, and 3	0
4	15 feet
5	30 feet
6 and over	45 feet

(Ord. No. 17511, § 1, 11-12-87)

~~**Sec. 60.775. Required conditions.**~~

~~The following conditions are required in the RCI-1 District:~~

~~(1) Activities involving storage, utilization or manufacture of materials or products which contain their own oxidizing agent and which decompose by detonation are not permitted in the RCI-1 District; provided, that small arms ammunition when stored for retail shall be permitted; and further provided, that research, medical and hospital laboratories, when operating under the direct supervision of scientifically trained personnel, may use the above material for research, medical and development purposes.~~

~~(2) All business, servicing, processing or manufacturing shall be conducted within completely enclosed buildings. Provided, however, that the following uses may be conducted outdoors if specifically allowed as a permitted use or special condition use: off-street parking, off-street loading or outdoor businesses and outdoor businesses with outdoor storage.~~

~~(3) Outdoor storage shall be subject to the following conditions:~~

~~a. Except as provided in section 62.108(f), outdoor storage shall be no closer than three hundred (300) feet to a residential district or to a property occupied with a one-, two-, three-, four-, townhouse or multiple-family dwelling.~~

~~b. Outdoor storage shall be fenced or walled. Outdoor storage which abuts a thoroughfare, a business district or a PD district shall be behind a six-foot-high obscuring fence. However, an obscuring fence shall not be required if the outdoor storage is screened by a building or topography. On sites where the topography renders an obscuring fence ineffectual as a screen, landscape screening shall be required.~~

~~(Ord. No. 17511, § 3, 11-12-87; C.F. No. 92-1479, § 18, 12-15- 92; C.F. No. 93-1718, § 61, 12-14-93)~~

ARTICLE VI. 66.600. Reserved.

ARTICLE VII. 66.700. VP VEHICULAR PARKING DISTRICT

~~*Subdivision 2. 60.720. P-1 Vehicular Parking District*~~

Sec. 66~~0~~.70~~2~~1. Intent.

The VP~~-1~~ Vehicle Parking District is intended to permit the establishment of off-street parking facilities to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. The district will serve a use district which has developed without adequate off-street parking.

(Code 1956, § 60.571; Ord. No. 17204, 1-15-85)

Sec. 66~~0~~.702~~2~~. Principal uses ~~permitted~~.

Premises in such districts shall be used only for an off-street vehicular parking facility and shall be developed and maintained subject to such conditions as are hereinafter required.

(Code 1956, § 60.572; Ord. No. 17204, 1-15-85)

Sec. 66~~1~~.703~~105~~. Dimensional standards ~~Special districts~~.

(a~~b~~) *Lot size.* The lot shall have a minimum area of four thousand (4,000) square feet and a minimum width of forty (40) feet. In those instances wherein a VP~~-1~~ District abuts a dedicated public alley of at least twenty (20) feet in width, the lot width may be reduced to twenty (20) feet and lot area to two thousand (2,000) square feet if the planning commission finds that the alley can be used as the parking lot maneuvering lane without conflicting with traffic.

(b) *Height of structures.* Structures shall have a maximum height of one (1) story and fifteen (15) feet.

(c) *Yard setbacks.* The minimum front yard setback shall be four (4) feet. If the districts adjoining the VP~~-1~~ District require a greater front yard setback, the minimum front~~age~~ yard setback~~s~~ shall be ~~equal to at least~~ the minimum required front yard setback ~~standards~~ set forth in the ~~"Schedule of Regulations" which pertain to~~ dimensional standards for the adjoining districts ~~shall be provided~~. A visual screen shall be located on the minimum setback line. Minimum side and rear yard setbacks shall be four (4) feet.

Sec. 66~~0~~.704~~23~~. Required conditions.

~~The following conditions shall be required in the P-1 Vehicular Parking District.~~

(a~~1~~) The parking facility shall be accessory to and for use in connection with one or more businesses, industries, institutions, or multifamily residences.

~~(2) The parking facility shall not be used during hours when the principal use is not in operation. During such periods the parking facility shall be inaccessible for public use. When there is a written agreement between two (2) or more buildings or uses to share a parking facility in a P-1 District in accordance with section 62.103(f)(3) and (4), then the parking facility may remain open for all the hours of operation of the buildings or uses.~~

(b~~3~~) The parking facility shall be used solely for parking of private passenger vehicles and shall not be used as an off-street loading area.

(c~~4~~) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking facility.

(d~~5~~) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking facility.

(e~~6~~) No building other than that for the shelter of attendants shall be erected upon the premises unless specifically approved by the planning administrator during site plan review.

(f~~7~~) Applications for VP~~-1~~ District rezoning shall include a site plan which conforms to all standards set forth in section 63~~2~~.300~~104~~. The planning commission may grant modifications of section 63~~2~~.300~~104~~ based on findings that such modification is consistent with the intent of the code and with the reasonable enjoyment of adjacent property.

(g~~8~~) VP~~-1~~ Vehicular Parking Districts shall be developed and maintained in accordance with the requirements of section 63~~2~~.300~~104~~.

(Code 1956, § 60.573; Ord. No. 17204, 1-15-85; C.F. No. 93-1718, § 58, 12-14-93)

ARTICLE VIII. 66.800. PD PLANNED DEVELOPMENT DISTRICT *

~~*Subdivision 3. 60.730. PD Planned Development District**~~

***Editor's note--**This ~~subdivision~~ article is derived from Code 1956, §§ 60.581--60.588, as further amended by Ord. No. 17117, adopted March 22, 1984.

Sec. 66~~0~~.801~~731~~. Intent.

The PD Planned Development District is intended to permit more flexible and creative private or public development or redevelopment than is possible under standard zoning classifications. Planned developments shall be harmonious with the general surrounding uses, permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience, and general welfare.

Sec. 66~~0~~.802~~732~~. General requirements.

(a) *General criteria.* Planned developments shall meet the following general criteria:

(1) Parcels considered for planned development shall contain a minimum of one and five-tenths (1.5) acres.

(2) The PD shall be consistent with the comprehensive plan.

(3) Subdivision of land required by the development shall be concurrent with the rezoning.

(4) Except for phased development as described in section 66~~0~~.812~~743~~, all development shall be completed within three (3) years of the effective date of the rezoning action unless specifically extended by the city council.

(5) Phasing of development is permitted. The preliminary plan shall indicate development for the total parcel for purposes of rezoning to planned development; final plans for separate phases shall be submitted as amendments prior to execution of each phase.

(6) If phasing is used, each phase of the PD shall be able to exist as an independent unit so that the area surrounding the PD can be planned and developed in a manner compatible with the PD.

(b) *Procedures, fees.* Rezonings to planned development shall conform to procedures set forth in ~~section 64.400~~ Chapter 61. Fees for petitions and applications hereunder shall be established by resolution of the city council.

~~**Sec. 60.733. Procedures.**~~

Sec. 66~~0~~.803~~734~~. Optional pre-application; sketch plan.

(a) *Request.* Prior to proceeding with a rezoning to planned development, any person may request a pre-application conference with the office of planning administration to determine the feasibility of the plan; to determine whether or not it complies with the comprehensive plan and city requirements and standards; and to determine scheduling of procedures.

(b) *Pre-application requirements.* For the purposes of pre-application discussions, the applicant shall submit:

(1) A site location map showing the relationship of the proposed planned development to surrounding uses and streets.

(2) A sketch plan of the proposed planned development showing:

a. Dimensions of the parcel and of individual lots, if included in the PD;

b. Indication of any outstanding physical characteristics of the property;

c. Proposed uses;

d. Residential densities;

e. Traffic circulation patterns and off-street parking within the development and relationship to existing streets;

f. Phasing schedule, if appropriate.

Sec. 66~~0~~.804~~735~~. Application requirements for rezoning to Planned Development District.

Rezoning to planned development requires two (2) reviews and approvals; preliminary plan and final plan; these may be combined. Applications shall include the following information unless specifically waived in writing by the planning administrator.

Sec. 66~~0~~.805~~736~~. Preliminary plan--Application.

Application requirements. The applicant shall supply twenty (20) copies of the following:

(a~~1~~) Original rezoning petition certified as sufficient.

(b~~2~~) A survey of the area to be included in the planned development (1" = 100' scale).

(c~~3~~) Ground vertical contour intervals of the parcel at intervals of at least two (2) feet; slopes of twelve (12) percent or greater.

(d~~4~~) A preliminary site plan of the area carried out in such detail as to show the proposed land uses, densities, common open spaces, system of collector streets, off-street parking and internal circulation. The preliminary plan shall include setbacks, building dimensions, landscaping and elevations. If elevation options are to be offered, that shall be stated.

(e~~5~~) A written summary including a description of the proposed development and modifications in the requirements otherwise applicable to the property, including ~~"Schedule of Regulations,"~~ dimensional standards, population densities and land use intensities. In reviewing planned developments, the planning commission may use density and dimensional standards for Residential, Traditional Neighborhood, and Industrial Districts as guides.

(f~~6~~) If platting is required, a sketch plan for the proposed subdivision as described in section 69~~7~~.309.

(g~~7~~) If the planned development is to be constructed in phases, a construction schedule for the completion of each phase.

Sec. 66~~0~~.806~~737~~. Preliminary plan--Procedure.

(a) Applications for rezoning to planned development shall be submitted to the planning administrator. Applications shall include the required fee and twenty (20) copies of the proposal.

(b) The planning commission shall hold a public hearing and give mailed notice to all property owners within three hundred fifty (350) feet of the proposed planned development at least ten (10) days before the hearing.

(c) The planning commission shall forward its recommendation to the city council, which shall also conduct a public hearing with mailed notice thereof to all property owners within three hundred fifty (350) feet of the proposed planned development at least ten (10) days before the hearing.

(d) The city council may approve, deny, or approve with modifications the planned development. Approval of the preliminary plan shall be effective for a period of one year; no development shall take place therein unless the final plan is approved and adopted by the city council or the applicant withdraws the rezoning application.

(e) If a final plan is not submitted within one year, the rezoning petition shall be void unless the city council grants an extension.

(C.F. No. 93-1718, § 59, 12-14-93)

Sec. 66~~0~~.807~~738~~. Final plan.

(a) *Application requirements.* The applicant shall supply twenty (20) copies of the following:

(1) An approved site plan which conforms to the preliminary plan and which includes any modifications required by the city council. The site plan shall include a detailed construction and landscaping schedule, elevations and, if applicable, elevation options.

(2) A preliminary plat if platting is required.

(3) Covenants or homeowners' association agreements if applicable.

(b) *Procedure.* The planning administrator shall cause the final plan to be reviewed and approved in the manner set forth in section 61~~2~~.~~1~~402~~8~~. If the final plan conforms to the preliminary plan, meets site plan standards, and reflects all modifications as required by the city council, the planning administrator shall forward it to the city council together with a recommendation for approval or denial. If in the planning administrator's opinion the final plan does not conform to the preliminary plan or does not meet site plan standards, the planning commission may hold a hearing and give mailed notice as described in section 66~~0~~.806~~737~~.

(c) *Final approval.* The city council shall give final approval of the rezoning to the planned development. Such approval shall be by ordinance. The city council may hold a public hearing.

(d) *Plan part of ordinance; recordation; compliance.* Upon approval by the city council, the final plan shall become an integral part of the ordinance creating or amending the PD District and, for purposes of recordation, shall be referred to as "Planned Development No. _____," which number shall correspond to the number of the amending ordinance. All approved plans shall be filed with the city clerk. All development within the planned development shall be in compliance with the final plan as adopted by ordinance unless such change constitutes a minor change as described in section 66~~0~~.810~~741~~.

Sec. 66~~0~~.808~~739~~. Combining preliminary and final plans.

The applicant for rezoning to planned development may submit preliminary and final application requirements together for combined review and approval.

Sec. 66~~0~~.809~~740~~. Required findings.

The planning commission and city council shall make the following findings in approving a rezoning to PD Planned Development District:

(a~~1~~) The proposed development is not in conflict with the comprehensive plan;

(b~~2~~) The proposed development is designed to provide a desirable and unified environment within its own boundaries;

(c~~3~~) The proposed uses will not be detrimental to present or future land uses in the surrounding area;

(d~~4~~) The exceptions to the standard requirements in the schedule of regulations are justified by the design of the development;

(e~~5~~) The PD or phase thereof is of sufficient size, composition and arrangement that its construction, marketing and operation make it feasible as a complete unit without dependence upon any subsequent unit;

(f~~6~~) The proposed development will not create an excessive burden on parks, schools, streets, or other public facilities and utilities which serve or are proposed serve the PD;

(g~~7~~) The proposed development is consistent with the reasonable enjoyment of neighboring property.

Sec. 66~~0~~.810~~741~~. Changes in final plan.

(a) *Minor changes.* Minor changes in the location, design, placement and height of buildings; landscaping; uses and density; or site plan may be authorized by the planning administrator if required by engineering or other circumstances which were unforeseen at the time the final plan was approved.

(b) *Major changes.* Changes to the final plan affecting density, use and site plan which the planning administrator determines to be a major alteration of the final plan shall require amendment by the city council.

(c) *Amendment of the final plan.* Amendments to the final plan may be approved by the city council, by ordinance, when those amendments are in substantial agreement with the preliminary plan and when those amendments are required by changes in conditions that have occurred since the final plan was approved. In the case of a phased planned development, final plans for phases subsequent to Phase I shall be treated as amendments.

The planning commission and the city council shall hold public hearings on amendments to the final plan and shall give mailed notice to all property owners within three hundred fifty (350) feet of the PD at least ten (10) days before the hearings.

Changes to the final plan shall be recorded as amendments to the recorded copy of the final plan.

Sec. 66~~0~~.811~~742~~. Failure to complete the planned development.

All development shall be in compliance with the final plan. In the event the applicant fails to complete the development, the parcel reverts to its previous zoning classification.

Sec. 66~~0~~.812~~743~~. Phasing of planned development.

If a planned development is to be developed in phases, the following requirements apply:

(a~~1~~) The parcel shall be a minimum of five (5) acres in size.

(b~~2~~) Phases shall be designed to be capable of functioning as independent units. One phase shall not preclude subsequent development of a parcel in the event the entire PD is not developed.

(c~~3~~) Phase I of any PD shall constitute at least one-third of the total PD.

(d~~4~~) In the case of phased development, the entire PD shall be developed within five (5) years of the rezoning unless extended by the city council.

(e~~5~~) In the case of phased development, the city council may accept in lieu of a final plan for the entire PD the following: a final plan for Phase I, a preliminary plan for other phases, and a schedule of phasing. Final plans for subsequent phases shall be treated as amendments as described in section 66~~0~~.810~~741~~.

Chapter 67. Zoning Code - Overlay Districts

~~Division 5. 60.700. Special Districts~~

ARTICLE I. 67.100. FP STATE FAIR PARKING OVERLAY DISTRICT

~~*Subdivision 1. 60.710. State Fair Parking Overlay District*~~

Sec. 67~~0.7~~01. Established; permitted parking; written consent of adjoining property owners.

There is hereby established a special overlay zoning district within the City of Saint Paul to be known as the "State Fair Parking District," and which special district shall be placed over the other established zoning districts as shown on the attached map, which map is made a part of the ordinance from which this section is derived as if the matter and information set forth thereon were all fully described herein. Notwithstanding the provisions of section 63~~2~~.312~~104(11)~~ to the contrary, state fair parking on residentially zoned property may be permitted in required side and front yards only during the period of the annual Minnesota State Fair; provided, however, that state fair parking in required front yards will be permitted only with the written consent of the adjoining property owners on both sides of the subject front yard. Written consents must be obtained prior to ~~the~~ each annual state fair.

(Ord. No. 17667, § 2, 7-13-89)

~~**Secs. 60.712-60.714. Reserved.**~~

~~*Subdivision 2. 60.720. P-1 Vehicular Parking District*~~

~~*Subdivision 3. 60.730. PD Planned Development District*~~

~~*Subdivision 4. 60.750. RCR-1 River Corridor Residential District*~~

~~**Sec. 60.751. Intent.**~~

~~The RCR-1 River Corridor Residential District is intended to provide sites for multiple-family dwellings in the Mississippi River corridor which are consistent with the comprehensive plan's river corridor plan. Within the district, buildings will be placed to be harmonious with surrounding buildings and uses and to protect views from adjacent districts.~~

~~(Ord. No. 17511, § 1, 11-12-87)~~

~~**Sec. 60.752. Principal uses permitted.**~~

~~In a RCR-1 River Corridor Residential District the use of land, the location and erection of new buildings or structures, and the alteration, enlargement and moving of existing buildings or structures from other locations or districts shall conform to the following specified uses unless otherwise provided in this code:~~

~~(1) Multiple-family dwellings no more than three (3) stories or thirty (30) feet in height.~~

~~(2) Family day care, group family day care and group day care.~~

~~(3) Foster homes and freestanding foster homes located in permitted multiple-family structures.~~

~~(4) Licensed human service community residential facilities serving six (6) or fewer facility residents located in permitted multiple-family structures at least one thousand three hundred twenty (1,320) radial feet from another licensed human service community residential facility.~~

~~(5) Hospices located in permitted multiple-family structures and serving sixteen (16) or fewer facility residents.~~

~~(6) Transitional housing and shelters for battered persons located in permitted multiple-family structures and serving four (4) or fewer adult facility residents and minor children in their care.~~

~~(7) Churches, chapels, synagogues, temples and other similar houses of worship.~~

~~(8) Home occupations.~~

~~(9) Publicly owned and operated parks and recreation facilities.~~

~~(10) Cellular telephone antennas located on an existing residential structure at least sixty (60) feet high; on a utility monopole at least sixty (60) feet high existing at the time of adoption of this amendment; on, and supported by, a utility lattice pole at least sixty (60) feet high existing at the time of adoption of this amendment; or on an institutional use structure, as regulated in the R-1 through R-4 districts, section 60.412(16).~~

~~(11) Accessory buildings, structures, and uses as defined in section 60.201.~~

~~(Ord. No. 17511, § 1, 11-12-87; Ord. No. 17845, § 36, 6-27-91; C.F. No. 93-1718, § 60, 12-14-93; C.F. No. 96-694, § 9, 7-10-96; C.F. No. 97-565, § 18, 6-11-97)~~

~~Sec. 60.753. Principal uses permitted subject to special conditions.~~

~~The following additional uses shall be permitted subject to the conditions hereinafter imposed for each use and subject to the standards specified for all special condition uses as set forth in section 60.754 and section 64.300©). All principal uses permitted subject to special conditions shall be reviewed and approved by the planning commission.~~

~~(1) Multiple-family dwellings over three (3) stories or thirty (30) feet in height. The massing of the multiple-family dwellings shall be such that the extent of the views and vistas from public rights-of-way and open spaces shall be maximized between the bluffs and the river and between the river valley floor and the bluffs. Applicants shall be required to provide the planning commission an analysis, including site plans and perspective drawings, showing how the multiple-family dwelling will affect views.~~

~~(2) Retail, service and office uses within a multiple-family dwelling, all subject to the following conditions:~~

~~a. Any retail, service or office use on the zoning lot shall be clearly incidental to the principal use and designated to serve only the residents of the district.~~

~~b. Such uses shall be provided totally within the walls of the main building. No access to such uses shall be available to the general public from any exterior entryways. No identification sign shall be visible from any exterior view.~~

~~c. Such uses shall not exceed twenty-five (25) percent of the floor area at grade level, or fifty (50) percent of the floor area of a subgrade level, and shall be prohibited on all floors above the first floor or grade level.~~

~~d. Each one thousand (1,000) square feet of floor area devoted to such uses shall be counted as one (1) dwelling unit in the computation of allowed dwelling units on the lot.~~

~~(3) Transitional housing serving five (5) or more facility residents, shelters for battered persons serving five (5) or more facility residents, licensed human service residential facilities for seven (7) or more facility residents which are located at least one thousand three hundred twenty (1,320) radial feet from another licensed human service community residential facility, all subject to the conditions set forth for RM-1 Multifamily Residential Districts in section 60.433.~~

~~(4) Health department-licensed community residential facilities, licensed correctional residential facilities and emergency housing subject to the conditions set forth for RM-1 Low-Density, Low-Rise Multiple-family Residential Districts in section 60.433.~~

~~(5) Railroad rights-of-way, but not including terminal freight facilities and transfer and storage tracks.~~

~~(6) Public utility and public service buildings and substations which are completely enclosed within a building, when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity. Storage yards shall be prohibited. Such uses shall provide substantiating evidence that the use is needed to service the surrounding area.~~

~~(7) Cellular telephone antennas, as regulated in the R-1 through R-4 Districts, sections 60.413(17) and (18).~~

~~(8) Accessory buildings, structures and uses as defined in section 60.201.~~

~~(Ord. No. 17511, § 1, 11-12-87; Ord. No. 17670, § 1, 7-20-89; Ord. No. 17845, § 37, 6-27-91; C.F. No. 96-694, § 9, 7-10-96; C.F. No. 97-565, § 19, 6-11-97)~~

~~**Sec. 60.754. Standards for principal uses subject to special conditions.**~~ [Moved to *§66.540. Required Conditions.*]

~~**Sec. 60.755. Special setbacks.**~~ [Moved to *§66.540. Required Conditions.*]

~~**Sec. 60.756. Area, bulk and yard setback requirements.**~~

~~See Chapter 61, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing a minimum yard setback requirements.~~

~~(Ord. No. 17511, § 1, 11-12-87)~~

~~*Subdivision 5. 60.760. Reserved**~~

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~~***Cross reference(s)--**C.F. No. 01-501, § 1, adopted July 5, 2001, amended the Code by repealing former subdiv. 5, §§60.760--60.767, in its entirety. Former subdiv. 5 pertained to the River Corridor Commercial District, and derived from Ord. No. 17511, § 2, adopted November 12, 1987, and C.F. No. 92-1479, § 17, adopted December 15, 1992.~~

~~*Subdivision 6. 60.770. RCI-1 River Corridor Industrial District*~~

ARTICLE II. 67.200. TP TREE PRESERVATION OVERLAY DISTRICT

~~*Subdivision 7. 60.780. "T" Tree Preservation District*~~

Sec. 67~~0.78~~201. Intent.

The "TP" Tree Preservation Overlay District is designed to preserve the essential character of those areas that are heavily wooded and in a more natural state by encouraging a resourceful and prudent approach to their development that includes minimal tree loss and mitigation of tree removal resulting from development. The "TP" district is further provided to reduce stormwater runoff and minimize flooding; to aid in the stabilization of soil by preventing erosion and sedimentation; to aid in the removal of carbon dioxide and the generation of oxygen in the atmosphere; and to maintain the visual screening, wind break, dust collection, heat and glare reduction, and noise barrier characteristics exhibited by trees.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 67~~0.78~~202. ~~Principal uses p~~Permitted and ~~principal uses permitted subject to special~~ conditionals uses.

In the "TP" Tree Preservation O~~o~~verlay D~~d~~istrict, ~~principal uses~~ permitted ~~outright~~ and ~~principal uses permitted subject to special~~ conditionals uses are those specified by the ~~corresponding~~ underlying district ~~as established in section 60.301~~, to the extent that they are not prohibited by any other provision of the zoning code. They are subject to standards specified in the ~~corresponding~~ underlying district ~~section~~ and to those specified below.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 67~~0.78~~203. Tree preservation plan.

(a) *When preservation plan required generally.* Any application for a building permit that requires the removal of one (1) or more trees of twelve (12) inches DBH or larger, grading permit, fill permit, lot split, plat approval or any

development requiring site plan review shall include a tree preservation plan, drawn to scale, for that area within the limits of disturbance. The tree preservation plan shall be certified by a Minnesota-registered land surveyor, landscape architect or forester. The plan shall be submitted to the planning administrator for review and approval.

(b) *Subdivisions where applicant for plat approval is different from other permits.* In the case of a subdivision approved after designation as a "TP" district, where the applicant for plat approval and the applicant for a building, grading or fill permit are different, tree preservation plans shall be submitted as follows:

(1) The applicant for plat approval shall submit a tree preservation plan for any area to be disturbed in any way for the purposes of platting and/or site preparation. The tree preservation plan does not need to cover the buildable area of individual lots, unless the buildable area will be disturbed for site preparation.

(2) The applicant for a building, grading or fill permit within a subdivision approved after designation as a "TP" district shall submit a tree preservation plan for the buildable area of the individual lot.

(c) *Required information.* The tree preservation plan shall include the following:

(1) The location, diameter at breast height (DBH) and species of all existing trees six (6) inches DBH or larger within the limits of disturbance. If the superintendent of parks determines that the size of the parcel and the number of affected trees renders the individual identification of all trees unreasonable, accepted methods of forest cruising may be substituted. Where forest cruising is used, all trees in excess of twelve (12) inches DBH shall be individually identified.

(2) The location and dimension of all buildings (existing and proposed); the location of easements, adjacent roadways and vehicular access driveways; existing and proposed grading; site drainage facilities; parking areas; sidewalks and utilities.

(3) The location of all trees that will be preserved and incorporated into the proposed site design. All tree drip lines shall be noted.

(4) A description of how trees will be protected before and during construction.

(5) The location of trees to be removed, replacement trees and areas proposed for additional landscaping, including, but not limited to, the tree name (botanical and common); the quantity of each species; tree caliper, measured six (6) inches aboveground; and a typical planting detail.

(d) *When plan not required.* A tree preservation plan shall not be required in the following cases:

(1) Where the applicant can demonstrate that there are no existing trees within the limits of disturbance.

(2) For the regular maintenance of existing public utilities.

(e) *No site preparation until plan approved.* No cutting, clearing, digging or grading for site preparation shall be undertaken until a tree preservation plan has been approved.

(f) *No removal or replacement until issuance of permit and approvals.* No tree removal or replacement shall be undertaken until approval and issuance of the grading or fill permit, plat approval or site plan approval.

(g) *Filing plan with planning administrator.* Where a tree preservation plan is approved with the final plat, a copy of the approved tree preservation plan shall be kept on file with the planning administrator for determination of compliance prior to issuance of a building permit(s) at the time of construction.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 67~~0.78~~204. Selection of trees to be preserved.

(a) Those trees shall be preserved that:

(1) Protect and enhance the integrity of the natural environment by maintaining the natural vegetation and topography;

(2) Complement the project design, including the enhancement of building architecture and streetscape appearance;

(3) Complement stormwater management techniques;

(4) Augment or do not interfere with sedimentation and erosion control designs; or

(5) Are recommended for preservation by the superintendent of parks.

(b) The removal of trees of twelve (12) inches DBH or larger, when not related to a building permit, grading permit, fill permit, lot split, plat approval or any development requiring site plan review, shall be prohibited unless:

(1) The tree(s) is (are) located on parcels occupied by a main building (or a group of main buildings) and accessory buildings and determined by the property owner to be a nuisance, hazardous, diseased, dying or dead;

(2) The tree(s) is (are) being removed from commercial nurseries or horticultural properties such as tree farms, orchards or commercial forests. This exception shall not be interpreted to include lumber harvesting incidental to the imminent development of land; or

(3) Tree removal is approved by the superintendent of parks, and the trees are replaced as required in section 67~~0.78~~208.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 67~~0.78~~205. Protection of trees to be preserved before construction.

(a) Trees or tree areas that are to be preserved shall be visibly marked prior to construction.

(b) Protection devices shall be installed prior to construction and shall be shown on the approved landscape plan. Protection devices include, but are not limited to, snow fencing, board fencing, silt fencing or string and flagging. Construction personnel shall be notified of the purpose and presence of the protection devices.

(c) The applicant shall arrange for an on-site inspection of all protection devices by the superintendent of parks prior to commencing grading or construction.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 67~~0.78~~206. Protection of trees to be preserved during construction.

(a) *Protection from grading or filling.* Grading or filling shall not occur inside the drip line of trees to be preserved, unless approved by the superintendent of parks. If grading or filling inside the drip line is approved, root aeration practices and/or tree wells or walls shall be used, subject to approval by the superintendent of parks.

(b) *Activities prohibited within drip lines.* The following activities shall be prohibited within the drip line of the tree(s) to be retained:

(1) Trenching;

(2) Temporary storage of any construction materials or chemicals; and

(3) The routing or parking of heavy equipment, including cars, trucks, bulldozers and construction trailers.

(c) *Sediment and erosion control.* All sediment and erosion-control silt fencing or straw bales shall be placed at the limits of grading or where needed to minimize the deposition of sediment within the drip line of the protected tree(s).

(d) *Attaching protective devices, signs, etc., to trees prohibited.* No protective devices, signs, utility poles or lines, or other objects shall be nailed or attached to any trees that are to be preserved.

(e) *Other actions prohibited.* Any other action within the drip line of the protected tree(s) that may result in the severing of roots or compaction of soil, or that may impede the free access of air and water to tree roots, shall be prohibited.

(f) *Other tree protection practices.* Other tree protection practices may be required at the discretion of the planning administrator and/or superintendent of parks.

(g) *Amendment to plan prior to removal.* An amendment to the tree preservation plan shall be required prior to the removal of trees that were slated for preservation on the original tree preservation plan.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 67 ~~0.78~~207. Protection of preserved trees after construction.

(a) Construction barriers shall be removed from protected tree areas.

(b) The applicant shall arrange an on-site inspection by the superintendent of parks for approval of post-construction tree protection practices. Such approval shall be required prior to the release of any security as provided in section 67~~0.78~~209.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 67~~0.78~~208. Replacement of trees.

(a) *Generally.* While development shall retain the maximum number of trees possible, it is recognized that a certain amount of tree removal is an inevitable consequence of urban development.

(b) *Replacement requirements.* Trees removed for development or reasonably anticipated to be lost due to development shall be replaced according to the following requirements:

(1) Individual trees of at least twelve (12) inches DBH but less than eighteen (18) inches DBH shall be replaced on the basis of one (1) replacement tree for every one (1) tree removed.

(2) Individual trees of at least eighteen (18) inches DBH but less than twenty-four (24) inches DBH shall be replaced on the basis of two (2) replacement trees for every one (1) tree removed.

(3) Individual trees of twenty-four (24) inches DBH or larger shall be replaced on the basis of three (3) replacement trees for every one (1) tree removed.

(c) *Transplanting permitted.* Trees designated for removal within the limits of disturbance may be transplanted within the site and counted as replacement trees.

(d) *Deciduous replacement trees.* Deciduous replacement trees of nursery stock shall be at least two and one-half (2 ½) caliper inches, ~~and~~ of a species similar to the tree(s) lost or removed, and~~. Deciduous replacement trees shall be of the species indicated in Appendix C to the zoning code~~ meet the standards in section 63.106, landscaping and plant materials. At the discretion of the superintendent of parks, coniferous trees may replace deciduous trees that are lost or removed.

(e) *Coniferous replacement trees.* Coniferous replacement trees shall be at least six (6) feet in height, ~~and~~ of species similar to the tree(s) lost or removed, and ~~. Coniferous replacement trees shall be of the species indicated in Appendix C to the zoning code~~ meet the standards in section 63.106, landscaping and plant materials.

(f) *Inspection.* The applicant shall arrange for an on-site inspection of all replacement trees by the superintendent of parks prior to planting.

(g) *Time limit on planting replacement trees.* Replacement trees shall be planted no more than twelve (12) months after the removal of original trees, unless an extension is granted by the superintendent of parks. The applicant shall inform the superintendent of parks that all replacement trees have been planted, at which time the superintendent of parks shall inspect the site.

(h) *Off-site planting of excess replacement trees.* If the number of replacement trees to be planted exceeds the number of trees that can be accommodated practically on-site, as determined by the superintendent of parks, off-site planting may occur at locations to be determined by the applicant and the superintendent of parks, or a fee in lieu of off-site planting may be required as provided in paragraph (i) below. When determining off-site planting locations, priority shall be given to lots that are located within the ~~"~~TP~~"~~ Tree Preservation District and in close proximity to the lot(s) from which the trees were removed.

(i) *Fee in lieu replacement trees; expenditure of funds.* Where tree replacement on-site is not practical and a suitable off-site location cannot be determined and agreed upon by the applicant and the superintendent of parks, a fee in lieu thereof may be assessed for the replacement required in section 67~~0.78~~208(b). The fee amount, which shall be equal to or greater than the value of each tree established in the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens," prepared by the International Society of Arboriculture, plus ten (10) percent, shall be provided by the applicant and approved by the planning administrator. All funds collected shall be expended exclusively for tree planting and maintenance as administered by the superintendent of parks.

(j) *Replacement of or fee for trees designated for preservation or outside limits of disturbance.* Any trees designated for preservation on the tree preservation plan or that are outside the limits of disturbance, but that were subsequently removed or damaged, shall be replaced at the rate of one (1) new tree for every tree lost or according to the requirements stated in section 67~~0.78~~208(b), whichever is greater; or through payment of a fee in lieu thereof equal to or greater than the value of each tree lost as established in the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens," prepared by the International Society of Arboriculture.

(k) *Trees for which replacement is not applicable.* The provisions of section 67~~0.78~~208 shall not apply to:

(1) The removal of trees in areas to be occupied by buildings, private streets, driveways, areas required for accessory parking or within a distance of fifteen (15) feet of a building foundation;

(2) The removal of trees determined by the superintendent of parks to be hazardous, diseased, dying or dead;

(3) The removal of trees transplanted from one (1) part of a development site to another; or

(4) The removal of trees from commercial nurseries or horticultural properties such as tree farms, orchards or commercial forests. This exception shall not be interpreted to include lumber harvesting incidental to the imminent development of land.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 67~~0.78~~209. Security agreement.

(a) Before the tree preservation plan is approved, the applicant shall file a performance bond, letter of credit, cash or escrow deposit equal to one hundred twenty-five (125) percent of the value of each replacement tree shown on the tree preservation plan as established in the latest version of "A Guide to the Professional Evaluation of Landscape Tree, Specimen Shrubs and Evergreens," prepared by the International Society of Arboriculture. At the discretion of the zoning administrator, additional security may be required in accordance with section 67~~0.78~~208(~~l~~i).

(b) Release of the security shall be as provided in section 61~~2~~.104~~8~~(~~f~~?).

(c) In the case of a subdivision approved after the effective date of this section where the applicant for plat approval and the applicant for a building, grading or fill permit are different, two (2) separate securities shall be filed. The applicant for plat approval shall file one (1) at the time of platting; the applicant for a building, grading or fill permit to develop the individual lots shall file one (1) at the time of permit approval. The amount of the security in each case shall be as required in paragraph (a) above.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 67~~0.79~~210. Penalty.

The removal of trees in violation of this subdivision shall be constitute a petty misdemeanor and subject to a fine as specified in section 1.05 of this Code. In determining the amount of the fine, the court is requested to take into consideration the value of the tree(s) removed as established in the latest version of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens," prepared by the International Society of Arboriculture, plus the cost to replace the tree(s). The unapproved removal of each tree shall constitute a separate violation.

(Ord. No. 17889, § 14, 11-21-91)

~~*Subdivision 8. 60.800. CP Commercial Parking District**~~

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~~***Editor's note--**C.F. No. 93-1324, § 5, adopted Nov. 23, 1993, amended this chapter by adding provisions relative to the CP Commercial Parking District but did not specify the manner of inclusion. Such provisions have been included herein as Subdivision 8, §§ 60.800--60.804, at the discretion of the editor.~~

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~~**Sec. 60.801. Commercial Parking District; purpose.**~~

~~Some commercially zoned districts were developed during the period when the street cars were a principal mode of public transportation. Those commercial districts were developed at a time when the use of the private automobile was not as common as now, and development occurred prior to the enactment of off-street parking requirements contained in zoning codes. Also some of these commercial districts are located in close proximity to residential districts and abut narrow streets. In some instances, commercial strips and nodes have significant off-street parking deficits from existing zoning requirements for similar new developments. The city council finds that parking shortfalls have a negative effect not only on vitality of commercial areas but also on adjacent residential properties. Prior attempts to reduce these negative impacts have not always been successful. The purpose to be accomplished by the designation of commercial parking district overlay zones is to encourage the provision of adequate off-street parking facilities in the future for commercial uses and to alleviate some of the existing adverse effects caused by such shortfalls upon adjacent residential properties.~~

~~(C.F. No. 93-1324, § 5, 11-23-93)~~

~~**Sec. 60.802. Commercial Parking District Overlay; defined.**~~

~~A commercial parking district overlay is an area designated by council resolution and which is determined by the council to have a significant shortfall of off-street parking facilities to meet the needs of the existing commercial uses within the defined area. The shortfall of off-street parking facilities is found to create or cause a "spill-over" parking problem for residential properties within the immediate area. This "spill-over" parking problem may, in the determination of the council, be alleviated through the enforcement of additional parking restrictions and requirements within a commercial parking overlay district.~~

~~(C.F. No. 93-1324, § 5, 11-23-93)~~

~~**Sec. 60.803. Designation of Commercial Parking District Overlay.**~~

~~Commercial Parking Overlay Districts may be established by the council in the following manner:~~

~~(1) The area of the proposed district shall be identified in a resolution and referred by the council to the planning commission with a request that the commission consider the proposal. The following conditions must be found to exist for an area to be qualified for designation as an overlay district:~~

~~a. The proposed district has a commercial off-street parking deficit, according to the current parking standards, of at least two hundred (200) parking spaces;~~

~~b. Each block or portion thereof within the proposed district has a parking deficit of at least twenty (20) spaces per acre;~~

~~c. The proposed district has a minimum front footage of two thousand (2,000) feet for all the block faces in a contiguous area of predominantly commercial uses and businesses; and~~

~~d. There are documented negative impacts from commercial parking affecting nearby residential properties on residential streets.~~

~~(2) With the assistance of staff from the planning division, the commission shall make a determination whether the conditions set forth above are met, which indicate that a severe parking shortfall exists within the proposed district, and submit its findings and recommendations to the council.~~

~~(3) Upon receipt of the commission's report, the council may proceed to further consider the proposal at a public hearing. If the decision is to proceed further, then notice of the public hearing shall be mailed at least ten (10) days prior to the hearing to owners of property within the proposed district and to owners of property within three hundred fifty (350) feet of the proposed district.~~

~~(4) The council may request businesses within the proposed district to submit recommendations for an off-street parking plan addressing the following issues:~~

~~a. How existing businesses would use the parking lots;~~

~~b. Where employees would park;~~

~~c. Whether and how much parking lot users would be charged for parking;~~

~~d. How parking complaints would be handled; and~~

~~e. How the ongoing monitoring and management of the off-street parking within the district would be carried out.~~

~~If such parking plan is prepared by businesses, the plan shall be submitted to the district council representing the area for its review and comment.~~

~~(5) At the conclusion of the public hearing, the council may by resolution establish the overlay parking district. The resolution shall contain the following:~~

~~a. Identify the district boundaries and the legal descriptions of the properties included therein.~~

~~b. Set forth the facts and conclusions which justify the need for the overlay district.~~

~~c. Incorporate some or all of the recommendations submitted by the businesses, which may be accomplished in accordance with the existing provisions of state or local law.~~

~~d. Set forth any special conditions and restrictions which shall be applicable to all commercial and business uses within the overlay parking district which are enacted for the purpose of alleviating the parking problems~~

~~for the commercial and business uses, and the adjacent residential properties. In addition to any special conditions and restrictions, the council may provide that some or all of the following conditions be applicable in an overlay parking districts:~~

~~1. All existing parking facilities serving commercial and business uses within the overlay parking district shall be improved so as to maximize the number of off-street parking spaces that may be provided thereon and shall also provide appropriate landscaping buffers. Parking facilities in existence as of November 23, 1993, shall be brought into compliance with this requirement within five (5) years after the establishment of the overlay parking district.~~

~~2. The five-space parking exemption in section 62.103(d) for change of uses in a structure shall not apply within the overlay parking district, except that requests for variances may be made.~~

~~3. The banking of parking spaces in section 62.103(i) for expansions of legally nonconforming parking for businesses shall not apply within the overlay parking district, except that requests for variances may be made.~~

~~The city clerk shall file a certified copy of the resolution with the office of county recorder.~~

~~(C.F. No. 93-1324, § 5, 11-23-93; C.F. No. 95-557, § 5, 6-14-95)~~

~~Sec. 60.804. Modification or discontinuance of overlay district.~~

~~The council may by resolution modify or order the discontinuance of a commercial parking district overlay. The council shall conduct a public hearing, with prior notice as specified for the creation of an overlay district, and upon the conclusion thereof modify the district and/or imposed conditions, or find and determine that there no longer exists a need for the overlay district. The city clerk shall file a certified copy of the resolution in the office of county recorder.~~

~~(C.F. No. 93-1324, § 5, 11-23-93)~~

ARTICLE III. 67.300. SD SHEPARD DAVERN COMMERCIAL AND RESIDENTIAL REDEVELOPMENT OVERLAY DISTRICT

~~*Subdivision 9. 60.900. Shepard Davern Commercial and Residential Redevelopment Overlay District*~~

Sec. 67~~0~~.301~~910~~. General provisions.

(a) *Establishment of redevelopment overlay districts; intent.* There are hereby established within the City of Saint Paul special zoning districts which shall be known as the SDC Shepard Davern Commercial Redevelopment Overlay District ~~(SDC)~~ and the SDR Shepard Davern Residential Redevelopment Overlay District ~~(SDR)~~. These redevelopment overlay districts are established to maintain a unique character, to promote economic development potential, to encourage development of urban villages with pedestrian and transit oriented design, to promote mixed use development, and to protect public health, safety and welfare within the designated districts.

(b) *Relationship to other applicable regulations.* Property located within a redevelopment overlay district shall be subject to the provisions of the primary zoning district, existing overlay districts and the new redevelopment overlay district. Because redevelopment overlay district regulations may be more or less restrictive than the primary zoning district and existing overlay districts, where provisions of the redevelopment overlay district conflict with either the primary zoning district or the existing overlay district, the provisions of the redevelopment overlay district shall govern.

(c) *Established boundaries.* Redevelopment overlay district boundaries shall be as specified in the individual redevelopment overlay district regulations. The redevelopment overlay district designation shall be shown on the zoning map ~~(Attachment A)~~ in addition to the underlying zoning district designation ~~(Attachment B)~~.

(C.F. No. 99-1165, § 1, 12-22-99)

Sec. 67~~0~~.302~~920~~. SDC Shepard Davern Commercial Redevelopment Overlay District.

(a) *Purpose.* The SDC Shepard Davern Commercial Redevelopment District ~~(SDC)~~ is an overlay district designed to promote the redevelopment of the area into a mixed use urban district combining commercial uses, hospitality

facilities and housing. Redevelopment in the district shall be designed to enhance the livability of the area, to reduce adverse traffic and parking conditions and to create building uses and space consistent and compatible with the architecture of Saint Paul and the scenic features of the area. The district is also designed to increase green space and maximize vegetative plantings throughout the district and provide tree lined corridors along West Seventh, Shepard Road and the proposed Edgcumbe Parkway.

(b) *Established boundaries.* The boundaries of the SDC Shepard Davern Commercial Redevelopment Overlay District shall be the area shown on the official zoning map.

(c) *Permitted uses.* In addition to the uses permitted within the primary zoning district, the following uses shall be permitted in the SDC Shepard Davern Commercial Redevelopment Overlay District:

(1) Hotels and hotel conference facilities. All hotels shall be at least three (3) stories in height and have a minimum of one hundred (100) rooms. Patron access to hotel rooms shall only be provided by a central interior corridor.

(2) Higher density multiple family housing with or without mixed commercial uses.

(d) *Prohibited uses.* The following uses shall be prohibited in the SDC Shepard Davern Commercial Redevelopment Overlay District:

(1) Automobile sales and service centers, auto convenience markets, auto service stations and auto specialty stores. Exceptions are those auto convenience markets and auto service states that are not freestanding and are integrated into either hotel, office, or parking ramp structures.

(2) Freestanding and drive thru fast food restaurants.

(3) Recycling drop off stations.

(4) Currency exchange businesses.

(5) Pawn shops.

(6) Community and transitional residential facilities.

(7) Veterinary clinics.

(8) Cellular telephone antennas not located on an existing structure.

(9) Freestanding liquor establishments.

(e) *Building regulations.* The following building regulations shall pertain to the SDC Shepard Davern Commercial Redevelopment Overlay district.

(1) Minimum redevelopment site size shall be as follows:

a. The area bounded by West 7th Street, Davern Street and Norfolk Avenue shall be developed as one site.

b. Within the remainder of the overlay district, the minimum redevelopment site size shall be one (1) acre.

(2) Building heights shall be limited to six (6) stories and not exceed sixty-five (65) feet outside the river corridor zone.

(3) The maximum floor area ratio shall be three (3).

(4) Front setbacks shall be as follows:

a. Shepard Road shall have a minimum setback of 25 feet with a planned canopy of trees. Canopy trees are recommended to be spaced no more than 30 feet apart with allowances for entries and signage view corridors. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota. Driveway cuts onto Shepard Road are discouraged.

b. Edgcumbe Parkway shall have a minimum setback of 20 feet with a planned canopy of trees. Canopy trees are recommended to be spaced no more than 30 feet apart with allowances for entries and signage view corridors. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.

c. West 7th Sstreet from Mississippi River Boulevard to Wheeler Street shall have a minimum setback of 25 feet with a planned canopy of trees. Canopy trees are recommended to be spaced no more than 30

feet apart with allowances for entries and signage view corridors. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.

d. West 7th S~~s~~treet from Wheeler to Davern Street shall have a setback not to exceed 25 feet. Infill landscaping to include canopy trees, understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.

e. Front setbacks on the remainder of West 7th ~~Seventh~~ Street shall not exceed twenty-five (25) feet. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.

f. Front setbacks on Davern S~~s~~treet shall not exceed twenty-five (25) feet. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.

(5) Side setbacks shall be a minimum of ten (10) feet on all sides. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.

(6) At least fifty (50) percent of the Edgcumbe Parkway and Davern Street frontage shall be fronted by buildings.

(7) Buildings on Edgcumbe Parkway, Davern Street and West 7th Street shall have at least one (1) prominent pedestrian entry oriented to the parkway or street.

(8) Building design and materials shall enhance the historic and scenic character of this area of Saint Paul, with appropriate relationships to Fort Snelling and Fort Road (W 7th), as follows (refer to illustration or diagram on file in the office of the city clerk):

a. For buildings greater than three (3) stories, a cornice line shall be established defining the building base, located approximately one-third (1/3) of the distance from where the building meets the ground to the top of the building;

b. A cornice line shall be established defining the top of the building;

c. Cornices shall be allowed to project over the public right-of-way line, but not more than fifteen (15) inches;

d. The building base shall be faced in stone, brick/masonry, or a material equal or better in quality; no cement block is allowed.

e. The building's exterior primary building material shall be faced in durable, maintainable materials in keeping with the character of Fort Snelling (stone, brick/masonry, architecturally finished precast concrete, stucco or similar materials equal or better in quality). Materials such as unfinished concrete, concrete blocks, corrugated or sheet metal, wood or wood composite materials, tile panels and reflective materials are prohibited;

f. At least twenty-five (25) percent of the first floor facade of any nonresidential use that faces a public street shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building; highly reflective glass is prohibited;

g. Windows should be set into the exterior wall, with no more than forty (40) percent of the total exterior envelope being glass; continuous bands of windows are prohibited.

(9) Trash receptacles and storage shall be located within all buildings.

(10) Outdoor storage of products, equipment and materials is prohibited.

(11) Chain link and barb wire fencing are prohibited.

(f) *Prohibited on-premise signs.* The following on-premise business signs shall be prohibited in the SDC Shepard Davern Commercial Redevelopment Overlay District:

(1) Freestanding signs with the exception of ground signs that have two (2) pillars and a maximum height of six (6) feet. Ground signs shall be built with the same exterior building materials as the building and shall not be illuminated with back lighted panels.

(2) Backlighted awning signs.

(3) Projecting signs.

(4) Flashing signs and electronic message signs.

(5) Temporary or portable signs, except that merchant sign placards which sit on the sidewalk and are stored indoors are permitted during business hours as long as the sidewalk is not blocked or reduced to less than five (5) feet.

(6) Roof signs.

(7) Advertising signs, billboards and business signs that advertise products.

(8) Pennants, banners and triangular signs attached to strings.

(g) *Prohibited off-premise signs.* All off-premise advertising signs, for example, billboards, bus bench signs, and bus shelter signs, shall be prohibited in the SDC Shepard Davern Commercial Redevelopment Overlay District.

(h) *Wall signs.*

(1) Wall signs shall cover neither windows or architectural trim and detail. They should be located on the bands of building facades, over the entry, over windows or between windows.

(2) Wall signs located above twenty (20) feet in height shall be limited as follows:

a. Only one (1) sign per building.

b. Shall not face the Mississippi River.

c. Shall be limited to the corporate/business name or logo.

d. Shall not exceed seventy five (75) square feet.

e. Shall not be illuminated with back lighted panels.

(i) *Window signs.*

(1) Permanent window signs, without advertising, may be painted on the surface of the window. Such signs shall not exceed ten (10) percent of the window glass area.

(2) Temporary window signs, without advertising, may be affixed to the inside of the window. Such signs shall not be in place longer than thirty (30) days and shall not exceed ten (10) percent of the window glass area.

(j) *Public sidewalks.* All frontages along public streets shall have minimum six-foot sidewalks and tree planted boulevards, with street trees spaced an average of one every thirty (30) feet. Spacing and growing medium for the boulevard trees should be designed for plant health. Any such trees must be selected for heat, deicing salt, soil compaction and drought tolerance. Along West 7th Street brick pavers shall be integrated in to the sidewalks at intersection corners (refer to illustration or diagram on file in the office of the city clerk).

(k) *Accessory parking regulations.* The following accessory parking regulations shall apply to the SDC Shepard Davern Commercial Redevelopment Overlay District:

(1) *Location:* All on site accessory parking areas and structures shall be located to the side or rear of the principal building or use served.

(2) *Quantity:* Parking shall be provided as the zoning requires for each use, except as follows:

a. For commercial or retail uses, if a transit shelter is provided on site then required parking spaces shall be reduced by five (5) percent but not to exceed five (5) spaces total;

b. For commercial or retail uses, required parking may be reduced by the establishment of a parking district for the purposes of sharing parking within one shopping or entertainment area; parking areas must be clearly identified and provided with dedicated pedestrian links to the street; the establishment of a parking district to allow a reduction in parking required shall be subject to review and approval by the planning commission. The development of shared parking is encouraged subject to the provisions of section 63~~2~~.200~~103~~.

(3) Parking areas fronting along public street shall comply with the following:

a. A landscaped setback area of at least fifteen (15) feet on West 7th Street and Davern Street, twenty (20) feet on Edgcumbe Parkway, twenty five (25)feet on Shepard Road and containing evergreen or deciduous shrubs that form a continuous screen three (3) feet in height within two (2) years shall be

provided between the parking area and public sidewalk. Landscaped areas shall be irrigated by underground watering systems. The city zoning administrator may approve the substitution of a decorative fence, masonry wall, berm or similar architectural feature in lieu of up to sixty (60) percent of planted materials. Along West 7th ~~Seventh~~ Street, there shall be wrought iron fencing three (3) feet high.

b. One canopy tree at least three (3) inches in caliper and one evergreen tree at least two and one-half (2 ½) inches in caliper shall be provided for every thirty (30) feet of parking lot frontage. Trees shall be planted in the landscaped area between the parking area and sidewalk.

(4) For all parking lots which exceed one hundred (100) cars, an area equal to a minimum of ten (10) percent of the paved parking area shall be provided for interior landscaped islands. For all parking lots with thirty-five (35) to one hundred (100) cars, an area equal to a minimum of five (5) percent of the paved parking area shall be provided for interior landscaped islands. Interior landscaping shall be not less than forty (40) percent evergreens and shall include canopy trees in islands which exceed one hundred (100) square feet. Parking lot trees must be selected for heat, deicing salt, soil compaction, and drought tolerance and are to have a ground layer of organic mulch and/or massing of shrubs or living ground covers which will be managed to tolerate site conditions.

(5) Parking structures fronting along public streets shall comply with the following:

a. Durable maintainable materials (stone, brick, architecturally finished precast concrete or similar materials equal or better in quality) shall be used for parking structure exteriors.

b. A landscaped setback area of at least fifteen (15) feet on West 7th ~~Seventh~~ Street and Davern Street, twenty (20) feet on Edgcumbe Parkway, and twenty-five feet on Shepard Road shall be provided between the parking structure and public sidewalk. Landscaped areas shall be irrigated by underground watering systems.

c. One (1) canopy tree at least three (3) inches in caliper and one (1) evergreen tree at least two and one-half (2 ½) inches in caliper shall be provided for every thirty (30) feet of parking structure frontage. Trees shall be planted between the parking structure and the sidewalk, or between the sidewalk and the street.

(l) *Landscaping regulations.*

(1) At least fifty (50) percent of all landscaped areas should be planted with species native to Minnesota.

(2) Where nonnative species are planted, no exotic invasive species shall be used, for example, European buckthorn and Tartarian honeysuckle.

(3) Wherever possible, connect new landscape areas to existing or neighboring planted areas for landscape connectivity.

(4) In areas of screening, the landscaping shall favor planting beds of trees with shrubs in order to have upper and lower plant material.

(5) The greatest extent possible, existing healthy native trees and vegetation shall be retained.

(6) Canopy trees are defined as achieving a height of at least fifty (50) feet at maturity.

(7) When trees are sited in areas where they can be damaged, they shall be protected through such measures as staking, flagging or curbing.

(C.F. No. 99-1165, § 1, 12-22-99)

Sec. 67~~0~~. 930~~3~~. SDR Shepard Davern Residential Redevelopment Overlay District.

(a) *Purpose.* The SDR Shepard Davern Residential Redevelopment District ~~(SDR)~~ is an overlay district designed to promote the redevelopment of the area into an urban village residential district by mixing attractive examples of higher density multiple family housing with pedestrian-friendly streets and community amenities.

(b) *Established boundaries.* The boundaries of the SDR Shepard Davern Residential Redevelopment Overlay District shall be the area shown on the official zoning map.

~~(c) *Conditional uses.* All principal uses permitted subject to special conditions shall be reviewed for approval by the planning commission:~~

~~(1) For incorporation of accessory parking underground or within a nonparking structure: three (3) feet for every ten (10) percent of total parking requirement.~~

~~(2) For landscaped open space or plaza provided in addition to setback and parking area requirements: three (3) feet for every two hundred (200) square feet.~~

~~(3) For landscaped open space fronting along Shepard Road: one-half (½) foot for every three-inch caliper canopy tree or evergreen tree planted within a pervious area of two hundred (200) square feet.~~

(c~~d~~) *Building regulations.* The following building regulations shall pertain to the SDR Shepard Davern Residential Redevelopment Overlay district.

(1) Building heights shall be limited to six (6) stories but not exceed sixty-five (65) feet outside the river corridor zone.

(2) Minimum site size shall be two (2) acres.

(3) The total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by five hundred twenty five (525).

(4) The maximum percent of a lot occupied by main building shall be forty-five (45) percent.

(5) All buildings shall have at least one (1) prominent pedestrian entry oriented to the parkway or street.

(6) Building design and materials shall enhance the historic character of this area of St Paul, with appropriate relationships to Fort Snelling and Fort Road (W 7th), as follows:

a. A cornice or material trim line shall be established defining the building base as approximately the first floor;

b. A cornice line or eave line shall be established defining the top of the building;

c. The building base shall be faced in stone, masonry, or a material equal or better in quality;

d. The building's exterior primary building material shall be faced in durable, maintainable materials in keeping with the character of the existing residential areas; materials such as unfinished concrete, concrete blocks, corrugated or sheet metal, wood composite materials, tile panels and reflective materials are prohibited;

e. Buildings shall avoid blank street walls.

f. Where possible the first floor facade facing a public street shall have windows or doors of clear or lightly tinted glass that allows views into and out of the building; highly reflective glass is prohibited.

g. Trash receptacles and service areas or entries shall be screened with the same materials used on the building exterior.

h. Chain link and barb wire fencing is prohibited.

(d~~e~~) *Public sidewalks.* All frontages along public streets shall have minimum six-foot sidewalks and tree-planted boulevards, with street trees spaced an average of one (1) every thirty (30) feet. Spacing and growing medium for the boulevard trees should be designed for plant health. Any such trees must be selected for heat, deicing salt, soil compaction and drought tolerance. Along West 7th Street brick pavers shall be integrated into the sidewalks at intersection corners.

(e~~f~~) *Accessory parking regulations.* The following accessory parking regulations shall apply to the SDR Shepard Davern Residential Redevelopment Overlay District:

(1) *Location.* All on site accessory parking areas and structures shall be located to the side or rear of the principal building or use served.

(2) Parking areas fronting along public streets shall comply with the following:

a. A landscaped front setback area of at least twenty-five (25) feet containing evergreen or deciduous shrubs that form a continuous screen three (3) feet in height within two (2) years shall be provided between the parking area and the public sidewalk. Landscaped area shall be irrigated by underground watering systems. The city zoning administrator may consider the substitution of a decorative fence, masonry wall, berm or similar architectural feature in lieu of planted materials.

b. One (1) canopy tree at least three (3) inches in caliper and one (1) evergreen tree at least two and one-half (2 ½) inches in caliper shall be provided for every thirty (30) feet of parking lot frontage. Trees shall be planted in the landscape between the parking area and sidewalk.

(3) Parking structures fronting along public streets shall comply with the following:

a. Durable maintainable materials (stone, brick, architecturally finished precast concrete or similar materials equal or better in quality) shall be used for parking structure exteriors.

b. A landscaped setback area of at least twenty-five (25) feet shall be provided between the parking structure and public sidewalk. Landscaped areas shall be irrigated by underground watering systems.

c. One (1) canopy tree at least three (3) inches in caliper and one (1) evergreen tree at least two and one-half (2 ½) inches in caliper shall be provided for every thirty (30) feet of parking structure frontage. Trees shall be planted between the parking structure and the sidewalk, or between the sidewalk and the street.

(4) For all parking lots that exceed one hundred (100) cars, an area equal to a minimum of ten (10) percent of the paved parking area shall be provided for interior landscaped islands. For all parking lots thirty-five (35) to one hundred (100) cars, an area equal to a minimum of five (5) percent of the paved parking area shall be provided for interior landscaped islands. Interior landscaping shall be not less than forty (40) percent evergreens and shall include canopy trees in islands which exceed 100 square feet. Parking lot trees must be selected for heat, deicing salt, soil compaction, and drought tolerance and are to have a ground layer of organic mulch and/or massing of shrubs or living ground covers which will be managed to tolerate site conditions.

(f~~g~~) *Landscaping regulations.*

(1) At least fifty (50) percent of all landscaped areas should be planted with species native to Minnesota.

(2) Where nonnative species are planted, no exotic invasive species shall be used, for example, European buckthorn and Tartarian honeysuckle.

(3) Wherever possible, connect new landscape areas to existing or neighboring planted areas for landscape connectivity.

(4) In areas of screening, the landscaping shall favor planting beds of trees with shrubs in order to have upper and lower plant material.

(5) To the greatest extent possible, existing healthy native trees and vegetation shall be retained.

(6) Canopy trees are defined as achieving a height of at least fifty (50) feet at maturity.

(7) When trees are sited in areas where they can be damaged, they shall be protected through such measures as staking, flagging or curbing.

(C.F. No. 99-1165, § 1, 12-22-99)

ARTICLE IV. 67.400. WB WHITE BEAR AVENUE OVERLAY DISTRICT

~~*Subdivision 10. 60.950. White Bear Avenue Overlay District*~~

Sec. 67~~0.95~~401. General provisions.

(a) *Establishment of overlay district; intent.* There is hereby established within the city a special zoning district which shall be known as the WB White Bear Avenue Overlay District ~~(WBD)~~. This district is established to implement the White Bear Avenue Small Area Plan, maintain a unique character, to promote mixed use development, and to protect public health, safety and welfare within the designated district.

(b) *Relationship to other applicable regulations.* Property located within the overlay district shall be subject to the provisions of the primary zoning district and the new overlay district. Because overlay district regulations may be more or less restrictive than the primary zoning district, where provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall govern.

(c) *Established boundaries.* Overlay district boundaries shall be as specified in the overlay district regulations. The overlay district designation shall be shown on the zoning map~~ (Attachment A)~~ in addition to the underlying zoning district designation ~~(Zoning Maps 7, 15, 23)~~.

(C.F. No. 01-612, § 2, 7-11-01)

Sec. 67~~0.95~~402. WB White Bear Avenue Overlay District.

(a) *Purpose.* The WB White Bear Avenue Overlay District ~~(WBOD)~~ is designed to facilitate implementation of recommendations in the White Bear Avenue Small Area Plan. Redevelopment in the district shall be designed to enhance the livability of the area, to reduce adverse traffic and parking conditions and to create building uses and space consistent and compatible with the architecture of Saint Paul.

(b) *Established boundaries.* The boundaries of the WB White Bear Avenue Overlay District shall be the area shown on the official zoning map.

(c) *Prohibited uses.* The following uses shall be prohibited in the WB White Bear Avenue Overlay District:

(1) Currency exchange businesses.

(2) Pawn shops.

(3) Cellular telephone antennas not located on an existing structure.

(4) Finishing shops.

(5) Recycling collection centers.

(6) Outdoor sales space for the sale or rental of new, secondhand, or pawned automobiles, trucks, motorcycles, trailers, or boats,~~.~~ ~~E~~except that car rental offices with 6 or fewer passenger vehicles may be permitted, subject to a ~~special~~ conditional use permit.

(d) *Building regulations.* The following building regulations shall pertain to the WB White Bear Avenue Overlay District.

(1) Commercial buildings should be built as close to the sidewalk as possible.

(2) Fencing on White Bear Avenue shall:

a.~~(i)~~ Act as a unifying element on the street, with commercial and residential designs relating to each other.

b. ~~(ii)~~ Be adaptable, e.g. fencing might top a wall or be freestanding;

c. ~~(iii)~~ Be constructed of high quality and low maintenance materials, e.g. wood for residential uses and ornamental iron for institutional and business uses (not including chain link fencing);

d. ~~(iv)~~ Relate to the street by limiting maximum heights along White Bear Avenue to three (3) feet.

(3) Walls shall be:

a.~~(i)~~ Constructed of high quality, low maintenance materials, including natural stone and precast concrete systems;

b. ~~(ii)~~ Compatible with their surroundings;

c. ~~(iii)~~ Capable of being integrated with fencing and landscape materials.

(e) *Accessory parking regulations.* The following accessory parking regulations shall apply to the WB White Bear Avenue Overlay District:

(1) Location: All on site accessory parking areas and structures shall be located to the side or rear of the principal building or use served. Buildings on corner lots shall, to the extent possible, locate the principal building at the corner with accessory parking to the side and rear. Buildings on lots with frontage on three or more sides shall develop a plan that best meets the goals and intent of the White Bear Avenue Small Area Plan and this overly district.

(2) Quantity: Parking shall be provided as the zoning requires for each use, except as follows:

a.~~(i)~~ For retail, medical, service and office uses, if a transit shelter is provided on site then required parking spaces shall be reduced by five (5) percent but not to exceed five (5) spaces total;

b. ~~(ii)~~ For retail, medical, service, and office uses, required parking may be reduced by the establishment of a parking district for the purposes of sharing parking within one shopping area; parking areas must be clearly identified and provided with dedicated pedestrian links to the street; the establishment of a commercial parking district to allow a reduction in parking required shall be subject to review and approval by the planning commission.

c. ~~(iii)~~ The development of shared parking is allowed as regulated in sections 65~~0~~.732~~413(15)~~ and 63~~2~~.~~103~~206(g)~~(7)~~. Additionally, medical and service uses may participate in a shared parking agreement provided that it can be demonstrated that there will be adequate parking in combination with the other uses listed in section 63~~22~~.~~103~~206(g)~~(7)~~.

(3) Parking structures fronting along public streets shall comply with the following:

a.~~(i)~~ Durable maintainable materials (stone, brick, architecturally finished precast concrete or similar materials equal or better in quality) shall be used for parking structure exteriors.

b. ~~(ii)~~ A landscaped setback area of at least five (5) feet shall be provided between the parking structure and public sidewalk. Landscaped areas shall be irrigated by underground watering systems.

(f) *Landscaping regulations.* Street trees and landscaping must be designed with the long term health of the plants in mind. Street trees should be planted along the entire length of White Bear Avenue, making sure that there is sufficient room for root growth and including an irrigation system when necessary. Generous planting beds are preferable to tree grates. Other landscaping should be hardy and primarily native.

(1) At least fifty (50) percent of all landscaped areas should be planted with species native to Minnesota.

(2) Where nonnative species are planted, no exotic invasive species shall be used, for example, European buckthorn and Tartarian honeysuckle.

(3) Wherever possible, connect new landscape areas to existing or neighboring planted areas for landscape connectivity.

(4) In areas of screening, the landscaping shall favor planting beds of trees with shrubs in order to have upper and lower plant material.

(5) The greatest extent possible, existing healthy native trees and vegetation shall be retained.

(C.F. No. 01-612, § 2, 7-11-01)

ARTICLE V. 67.500. HV HILLCREST VILLAGE OVERLAY DISTRICT

~~*Subdivision 11. 60.955 Hillcrest Village Overlay District*~~

Sec. 67~~0.956~~501. General provisions.

(a) *Establishment of overlay district; intent.* There is hereby established within the City of Saint Paul a special zoning district which shall be known as the HV Hillcrest Village Overlay District. This district is established to implement the White Bear Avenue Small Area Plan, to promote the redevelopment of the area into a mixed use urban district combining commercial uses and housing, and to protect public health, safety and welfare within the designated district.

(b) *Relationship to other applicable regulations.* Property located within the overlay district shall be subject to the provisions of the primary zoning district and the new overlay district. Because overlay district regulations may be more or less restrictive than the primary zoning district, where provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall govern.

(c) *Established boundaries.* Overlay district boundaries shall be as specified in the individual overlay district regulations. The overlay district designations shall be shown on the zoning map ~~(Attachment B)~~ in addition to the underlying zoning district designation ~~(Zoning Map 7)~~.

(C.F. No. 01-612, § 2, 7-11-01)

Sec. 67~~0.957~~502. HV Hillcrest Village Overlay District.

(a) *Purpose.* The HV Hillcrest Village Overlay District ~~(HVOD)~~ is designed to facilitate implementation of recommendations in the White Bear Avenue Small Area Plan and to promote the redevelopment of the area into a mixed use urban district combining commercial uses and housing. Redevelopment in the district shall be designed to promote the redevelopment of the area into a mixed use urban district combining commercial uses and housing, to enhance the livability of the area, to reduce adverse traffic and parking conditions and to create building uses and space consistent and compatible with the architecture of Saint Paul.

(b) *Established boundaries.* The boundaries of the HV Hillcrest Village Overlay District shall be the area shown on the official zoning map.

(c) *Prohibited uses.*

(1) Uses prohibited in section 67~~0.95~~402(c).

(2) Automotive related uses: automobile convenience markets, auto service stations, auto specialty stores, and auto repair facilities.

(d) Building regulations as in section 67~~0.95~~402(d).

(e) Accessory parking regulations as in section 67~~0.95~~402(e).

(f) Landscaping regulations as in section 67~~0.95~~402(f).

(C.F. No. 01-612, § 2, 7-11-01)

Chapter 68. Zoning Code - River Corridor Overlay Districts

Sec. 68.213. Conditional uses.

(d) Structures accessory to permitted uses, section 68~~5~~.212, or conditional uses of this section.

Sec. 68.224. Standards for conditional uses in the RC2 Flood Fringe District.

(d) The storage or processing ~~of material and equipment shall be subject to the following: (1) Storage~~ of materials ~~or equipment, including materials~~ that are, in times of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if~~: a.~~ readily removable from the area within the time available after a flood warning ~~system~~ and in accordance with a plan approved by the planning commission~~;~~, or ~~b. Floodproofed according to the State Building Code; or c.~~ if elevated above the regulatory flood protection elevation by alternative methods which meet the requirements of subsection (a) above~~; or~~.

Sec. 68.225. Standards for all RC2 Flood Fringe uses.

(c) *Manufacturing and industrial uses.* Measures shall be taken to minimize interference with normal plant operations. Certain accessory land uses such as yards and parking lots may be at lower elevation subject to requirements set out in subdivision (b~~2~~) [Typo. in recent amendment to this chapter.] above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

(f) *Manufactured homes.* Manufactured homes must meet all the density, setback, flood protection and other requirements for residential use of the zoning code and all requirements of the housing and building code. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(g) Travel trailers shall not be used for living quarters, and are exempt from the provisions of this ordinance if they have current licenses required for highway use, are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the travel trailer/travel vehicle has no permanent structural type additions attached to it. Travel trailers and travel vehicles lose this exemption when development occurs on the parcel exceeding $500 dollars for a structural addition to the travel trailer/travel vehicle or and accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and use of land restrictions specified in this

ordinance. No new commercial travel trailer or travel vehicle parks shall be allowed in the RC1 Floodway or RC2 Flood Fringe Overlay Districts.

(h~~g~~) *Pollution of waters.*

Chapter 69~~7~~. Zoning Code - Subdivision Regulations

[Renumber this chapter as Chapter 69.]

Sec. 69~~7~~.306. Planning Administrator and board of zoning appeals approval.

(c) If a proposed lot split creates a new property line that bisects a building or other structure, a common wall agreement shall be filed on the deeds for both new parcels. This provision is intended to satisfy all of the zoning requirements for setbacks in lieu of a variance, but does not supercede any building code requirements resulting from the proposed lot split.

Sec. 69~~7~~.501. Streets.

(b) *Alignment.* All streets should connect with or terminate at other streets to the extent possible. Cul-de-sac streets are discouraged except where traffic safety or physical site constraints make them necessary. New streets shall provide for the continuation of existing streets of adjoining subdivisions and for projection of streets into adjoining properties which are not yet subdivided.

(c) *Width.* Except in the Highwood area (as defined in Section 67.200), all right-of-way widths and roadway widths shall conform to the following minimum dimensions unless modified by the director of public works:

	Right of Way Width in Feet	Roadway Width in Feet
Minor Arterials	80	44
Collectors	66	36
Local Streets	(Director of Public Works)	
Industrial Streets	(Director of Public Works)	

In Highwood, local streets created after the effective date of this ordinance [Ordinance No. 17890] shall have a minimum roadway width of twenty-four (24) feet and minimum right-of-way width of fifty (50) feet. When existing local streets that were less than twenty-four (24) feet wide as of October, 1990, are disturbed for installation of city services or resurfacing, they shall be rebuilt at their original widths, as reported to the director of public works by the Highwood Task Force in October, 1990, (Appendix A ~~D~~), unless a wider street is requested by petition of abutting property owners. Because of narrower streets, on-street parking may be restricted to ensure adequate width for emergency vehicle access.

Sec. 69~~7~~.502. Alleys.

(a) *Required.* Alleys shall be provided where topography renders ~~access~~ driveways from the street to service or off-street parking areas impractical, ~~or~~ where limited access streets prohibit driveways to off-street parking and service areas, and in the TN3 district where alleys are designed as part of an interconnected street network in an approved master plan.

Sec. 69~~7~~.507. Blocks.

(b) *Block length.* The lengths, widths and shapes of blocks shall be as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand (1000) feet. ~~Wherever practical, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.~~

Sec. 69.510. Flood plain.

No land in the flood plain shall be subdivided which is unsuitable for the intended use because of flooding or inadequate drainage, water supply or sewage treatment facilities. Water and sewage treatment facilities shall comply with the provisions of Chapter 68, River Corridor Overlay Districts, and road access both to the subdivision and to the individual building sites shall be no lower than two (2) feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the regulatory flood protection elevation, the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

Sec. 6~~9~~7.51~~1~~0. Public sites.

Sec. 6~~9~~7.51~~2~~1. Monuments.

Sec. 6~~9~~7.600. Required improvements.

(g) *Street trees.* Street trees having a trunk diameter of not less than two (2) inches measured two (2) feet above grade, ~~at least one per lot and at least every~~ shall be installed by the subdivider along all streets at intervals no greater than forty (40) feet and at least one per lot ~~along all streets, to be installed by the subdivider~~, along with other landscape improvements, to help define the street edge, buffer pedestrians from vehicles, and provide shade. Existing trees which meet the standards of this section may be used to satisfy these requirements. Only honey locust, hard maple, green ash, ginkgo or other long-lived shade tree approved by the city forester shall be planted.

~~**Appendix A to Zoning Code**~~

~~The list of industrial uses is intended to show possible similar uses for the I-1 Industrial District. It is not all-inclusive of possible similar uses, but is to be used as a guide for determining permitted uses under section 60.612.~~

~~The similarity of uses must be determined in conformance with the provisions of section 64.300(g).~~

~~(1) Adhesives.~~

~~(2) Advertising displays.~~

~~(3) Apparel or other textile products from textiles or other materials.~~

~~(4) Awnings, venetian blinds and window shades.~~

~~(5) Automobiles, assembly and storage only.~~

~~(6) Bedding, including mattresses, pillows and quilts.~~

~~(7) Beverages, nonalcoholic and micro and regional breweries.~~

~~(8) Boats, building or repair for boats less than one hundred (100) feet in length.~~

~~(9) Bottling works, all beverages.~~

~~(10) Brushes or brooms.~~

~~(11) Bus garages, lots, stations or turnarounds.~~

~~(12) Cameras and other photographic equipment, except film.~~

~~(13) Candles.~~

~~(14) Canvas or canvas products.~~

~~(15) Carpets and mats.~~

~~(16) Ceramic products and pottery, or similar products.~~

~~(17) Chemicals, compounding or packaging only.~~

~~(18) Cleaning and polishing products, compounding and packaging only.~~

~~(19) Contractors' yards and municipal, county or state public works yards and facilities.~~

~~(20) Cosmetics and toiletries, compounding or packaging only.~~

~~(21) Electric and gas service buildings and yards, electric transformer stations and substations, gas regulator stations, and public utility buildings.~~

~~(22) Electric appliances, including lighting fixtures, irons, fans, toasters, electric toys and similar appliances.~~

~~(23) Electrical equipment assembly, including television and radio sets, home movie equipment or similar equipment.~~

~~(24) Electric supplies, including cable or wire assembly, drycell batteries, insulation, lamps, switches or similar products.~~

~~(25) Food products, except the following: dextrine; fats; gelatin; glucose; grain, feed or flour milling processing or storage; malt; molasses; oils; pickles; relishes; sauerkraut; shortening; slaughtering of animals and preparation of meat for packing; sugar refining; and vinegar.~~

~~(26) Firearms.~~

~~(27) Foundries, nonferrous.~~

~~(28) Fuel oil, wholesale and retail.~~

~~(29) Fur goods, not including tanning or dyeing.~~

~~(30) Glass products, from previously prepared glass.~~

~~(31) Hosiery.~~

~~(32) Ice, dry or natural.~~

~~(33) Ink or inked ribbon, compounding and packaging only.~~

~~(34) Leather products, including shoes, belts or similar products.~~

~~(35) Luggage.~~

~~(36) Lumber yards.~~

~~(37) Machines, business, including accounting machines, calculators, cardcounting machines, typewriters and similar machines.~~

~~(38) Machine tools, metal lathes, metal presses, metal stamping machines, woodworking machines or similar products.~~

~~(39) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat-treating or similar processes.~~

~~(40) Metal stamping or extrusion, including costume jewelry, pins, and needles, razor blades, bottle caps, buttons, kitchen utensils or similar products.~~

~~(41) Motion picture production.~~

~~(42) Musical instruments.~~

~~(43) Novelty products.~~

~~(44) Optical equipment, clocks and similar precision instruments.~~

~~(45) Orthopedic or medical appliances, including artificial limbs, braces, supports or similar appliances.~~

~~(46) Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper, printing and similar products.~~

~~(47) Perfumes, or perfumed soap, compounding or packaging only.~~

~~(48) Pharmaceutical products, compounding or packaging only.~~

~~(49) Plastic products, including tableware, records, buttons or similar products.~~

~~(50) Printing and publishing establishments and advertising displays.~~

~~(51) Research and testing laboratories.~~

~~(52) Rubber products, including washers, gloves, footwear, bathing caps and similar products, but excluding rubber or synthetic processing.~~

~~(53) Railroad right-of-way, including transfer and storage tracks.~~

~~(54) Scenery construction.~~

~~(55) Schools, industrial.~~

~~(56) Sheet metal shops, welding, and corrugating.~~

~~(57) Signs, advertising.~~

~~(58) Silverware, plate or sterling.~~

~~(59) Soap or detergents, compounding or packaging only.~~

~~(60) Sporting or athletic equipment, including bats, baskets, cues, gloves, racquets, rods and similar equipment.~~

~~(61) Statuary, mannequins, figurines or religious or church art goods, except foundry operations.~~

~~(62) Steel products, fabrication or assembly, including steel cabinets, doors, fences, metal furniture and similar products.~~

~~(C.F. No. 96-1594, § 4, 1-22-97)~~

~~Appendix B to Zoning Code~~

~~The list of industrial uses is intended to show possible similar uses for the I-2 Industrial District. It is not all-inclusive of possible similar uses, but is to be used as a guide for determining permitted uses under section 60.662.~~

~~The similarity of uses must be determined in conformance with provisions of section 64.300(g).~~

~~(1) Aircrafts.~~

~~(2) Acids.~~

~~(3) Asphalt or asphalt products.~~

~~(4) Beverages, alcoholic except micro and regional breweries.~~

~~(5) Brick, tile and clay.~~

~~(6) Building materials, sand, gravel, stone and lumber storage.~~

~~(7) Carbon paper and ribbon.~~

~~(8) Cement, lime, gypsum, plaster-of-paris or concrete, including central mixing and proportioning plants.~~

~~(9) Charcoal, lampblack and fuel briquettes.~~

~~(10) Chemicals, derivation or refinement from materials in a raw or natural state.~~

~~(11) Chicle, gutta-percha or balata.~~

~~(12) Cleaning and polishing products.~~

~~(13) Coal, coke or tar products, including gas.~~

~~(14) Cotton ginning.~~

~~(15) Creosote or creosote treating.~~

~~(16) Dyes.~~

~~(17) Electric power and steam-generating plants.~~

9751 ~~(18) Excelsior or packing materials.~~

9752 ~~(19) Exterminating agents.~~

9753 ~~(20) Explosives.~~

9754 ~~(21) Fat rendering.~~

9755 ~~(22) Fertilizers.~~

9756 ~~(23) Film, photographic.~~

9757 ~~(24) Forge plants or forge hammering.~~

9758 ~~(25) Foundries, ferrous.~~

9759 ~~(26) Garbage, offal or dead animal incineration, reduction, transfer station or bailing operation.~~

9760 ~~(27) Gelatin.~~

9761 ~~(28) Glass.~~

9762 ~~(29) Glucose or dextrine.~~

9763 ~~(30) Grain, flour or feed milling, processing or storage.~~

9764 ~~(31) Graphite or graphite product.~~

9765 ~~(32) Hair, felt or feathers, bulk processing, washing, curing or dyeing.~~

9766 ~~(33) Ink.~~

9767 ~~(34) Insecticides, fungicides, disinfectants and related industrial chemical compounds.~~

9768 ~~(35) Jute, hemp and sisal products.~~

9769 ~~(36) Linoleum and other hard-surfaced floor coverings, oil cloth, artificial leather and similar products.~~

9770 ~~(37) Leather or fur tanning, curing, finishing or dyeing.~~

9771 ~~(38) Machinery, including trucks, trailers, electrical, construction, mining or agricultural, including testing and repair.~~

9772 ~~(39) Malt.~~

9773 ~~(40) Matches.~~

9774 ~~(41) Metal or metal ores, processing, reduction, refining, smelting, alloying or recycling, excluding junk yards.~~

9775 ~~(42) Metal alloys or foils, miscellaneous, including solder, pewter, brass, bronze, tin, lead, gold foil or similar products.~~

9776 ~~(43) Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or~~
9777 ~~similar processes.~~

9778 ~~(44) Metal castings or foundry products, heavy.~~

9779 ~~(45) Molasses.~~

9780 ~~(46) Monument and architectural stone.~~

9781 ~~(47) Nylon.~~

9782 ~~(48) Oils, shortenings and fats.~~

9783 ~~(49) Paints, lacquers, shellacs, turpentines or varnishes.~~

9784 ~~(50) Plastics, raw.~~

9785 ~~(51) Porcelain products, including bathroom or kitchen products, or similar products.~~

9786 ~~(52) Pickles and relishes.~~

9787 ~~(53) Perfume.~~

9788 ~~(54) Pharmaceuticals.~~

9789 ~~(55) Railroad cars and locomotives.~~

~~(56) Railroad yards, shops or similar facilities.~~

~~(57) Rayon.~~

~~(58) Roofing material, including building paper and felt, or similar products.~~

~~(59) Rubber, natural or synthetic, including tubes or tires, or similar products.~~

~~(60) Sauerkraut.~~

~~(61) Sewage disposal plant.~~

~~(62) Ship building or ship repair yards for ships one hundred (100) feet in length or over.~~

~~(63) Solvent extracting.~~

~~(64) Steel products, including bars, girders, plates, rails, rods, sheets, strips, tubing, wire rope or similar products.~~

~~(65) Stone processing or stone products, including abrasives, asbestos, stonecutting, sand processing or similar products or processes.~~

~~(66) Storage batteries, wet.~~

~~(67) Sugar refining.~~

~~(68) Textile bleaching.~~

~~(69) Tobacco.~~

~~(70) Vinegar.~~

~~(71) Wallboard.~~

~~(72) Wood or bone distilling.~~

~~(73) Wood or lumber processing, including sawmills or planning mills, plywood veneer, wood preserving or similar products or processes.~~

~~(74) Wood pulp or fiber, reduction or processing, including paper mill operations.~~

~~(75) Wool scouring or pulling and shoddy.~~

~~(C.F. No. 96-1594, § 5, 1-22-97)~~

~~Appendix C to Zoning Code~~

~~Suggested plant materials:~~

~~(1)~~	~~*Evergreen Trees:*~~	~~*Five (5) feet in height*~~
~~(a)~~	~~Juniperus Virginiana~~	~~Red Cedar~~
~~(b)~~	~~Tsuga Canadensis~~	~~Canadian Hemlock~~
~~(c)~~	~~Abies Concolor~~	~~White Fir~~
~~(d)~~	~~Pinus Nigra~~	~~Austrian Pine~~
	~~Pinus Resinosa~~	~~Red Pine~~
	~~Pinus Strobus~~	~~White Pine~~
	~~Pinus Sylvestris~~	~~Scotch Pine~~
~~(e)~~	~~Picea Abies~~	~~Norway Spruce~~
	~~Picea Glauca~~	~~White Spruce~~
		~~Serbian Spruce~~
	~~Picea Pungens~~	~~Blue Spruce~~
	~~Picea Pungens Glauca~~	~~Colorado Blue Spruce~~
	~~Picea Pungens~~	~~Kosters Blue Spruce~~
~~(f)~~	~~Psuedotsuga Taxifolia~~	~~Douglas Fir~~
~~(g)~~	~~Thuja Occidentalis `Nigra'~~	~~Dark Green Arborvitae~~
	~~Thuja Occidentalis `Pyramidalis'~~	~~Pyramidal Arborvitae~~

~~(2)~~ ~~*Narrow Evergreens:*~~

~~(a)~~	~~Chamaecyparis Obtusa~~	~~Hinoki Cypress~~
~~(b)~~	~~Juniperus Virginiana Pyramidalis Hilli~~	~~Dundee Juniper~~
	~~Juniperus Chinensis Pyramidalis~~	~~Blue Column Chinese Juniper~~
	~~Juniperus Excelsa Stricta~~	~~Spiny Creek Juniper~~
~~(c)~~	~~Pinus Strobus `Fastigiata'~~	~~Pyramidal White Pine~~
~~(d)~~	~~Pinus Cembra~~	~~Swiss Stone Pine~~
~~(e)~~	~~Juniperus Virginiana `Keteleeri'~~	~~Keteleer Red Cedar~~
~~(f)~~	~~Taxus Baccata Fastigiata~~	~~Iris Yew~~
~~(g)~~	~~Thuja Occidentalis~~	~~Douglas Pyramidalis Douglas Arborvitae~~
~~(h)~~	~~Thuja Plicata~~	~~Columnar Giant Arborvitae~~
~~(I)~~	~~Pinus Ponderosa~~	~~Western Yellow Pine~~
~~(j)~~	~~Taxus Cuspidata~~	~~Japanese Yew~~
~~(k)~~	~~Thuja Orientalis~~	~~Oriental (Siberian) Arbor~~

~~(3)~~ ~~*Treelike Shrubs:*~~

~~(a)~~	~~Malus (Varieties)~~	~~Flowering Crabapple~~
~~(b)~~	~~Elaeagnus Angustifolia~~	~~Russian Olive~~
~~(c)~~	~~Sorbus Aucuparia~~	~~European Mountain Ash~~
~~(d)~~		~~White Flowering Dogwood~~
~~(e)~~	~~Cercis Canadensis~~	~~Eastern Redbud~~
~~(f)~~	~~Hibiscus Syriacus~~	~~Shrub Althea, Rose of Sharon~~
~~(g)~~	~~Carpinus Betulus `Fastigiata'~~	~~Pyramid European Hornbeam~~
	~~Ostrya Virginiana~~	~~American Hornbeam~~
~~(h)~~	~~Crataegus (Varieties)~~	~~Hawthorn~~
~~(I)~~	~~Magnolia (Varieties)~~	~~Magnolia~~
~~(j)~~	~~Amelanchier Canadensis~~	~~Shadblow Serviceberry~~
~~(k)~~	~~Prunus Subhirtella~~	~~Japanese Flowering Cherry~~

~~(4)~~ ~~*Large Deciduous Shrubs:*~~

~~(a)~~	~~Lonicera (Varieties)~~	~~Honeysuckle~~
~~(b)~~	~~Viburnum (Varieties)~~	~~Viburnum~~
~~(c)~~	~~Philadelphus (Varieties)~~	~~Mockorange~~
~~(d)~~	~~Forsythia (Varieties)~~	~~Forsythia~~
~~(e)~~	~~Syringa (Varieties)~~	~~Lilac~~
~~(f)~~	~~Physocarpus Opulifolius (Varieties)~~	~~Ninebark~~
~~(g)~~	~~Cotoneaster~~	~~Cotoneaster~~
~~(h)~~	~~Corylus Americana~~	~~American Filbert (Hazelnut)~~
~~(I)~~	~~Euonymus (Varieties)~~	~~Euonymus~~
~~(j)~~	~~Ligustrum (Varieties)~~	~~Privet~~
~~(k)~~	~~Rhamnus (Varieties)~~	~~Buckthorn~~
~~(l)~~	~~Rhus (Varieties)~~	~~Sumac~~
~~(m)~~	~~Abelia Grandiflora~~	~~Glossy Abelia~~
~~(n)~~	~~Chaenomeles Legenaria (Varieties)~~	~~Flowering Quince~~
~~(o)~~	~~Hamamelis (Varieties)~~	~~Witchhazel~~

~~(5)~~ ~~*Large Deciduous Trees:*~~

~~(a)~~	~~Quercus (Varieties)~~	~~Oak~~
~~(b)~~	~~Acer Platanoides~~	~~Norway Maple~~
	~~Acer Saccharum~~	~~Sugar Maple~~
~~(c)~~	~~Celtis Occidentalis~~	~~Hackberry~~
~~(d)~~		
~~(e)~~	~~Betula (Varieties)~~	~~Birch~~
~~(f)~~		
~~(g)~~	~~Ginko Biloba~~	~~Maidenhair Tree~~

~~(h)~~	~~Gleditsia (Varieties)~~	~~Honeylocust~~
~~(i)~~		
~~(j)~~	~~Ostruya Virginica~~	~~American Hophornbeam~~
~~(k)~~	~~Tilia Cordata~~	~~Little European Linden~~
~~(l)~~	~~Cratagus Oxyacantha~~	~~English Hawthorn~~
~~(m)~~	~~Fraxinus Americana~~	~~White Ash~~
~~(n)~~	~~Sophora Japonica~~	~~Chinese Scholar Tree~~
~~(o)~~		
~~(p)~~	~~Fraxmus Pennsylvanica (Varieties)~~	~~Green Ash~~
~~(q)~~	~~Acer Rubrum (Varieties)~~	~~Red Maple~~
~~(r)~~	~~Ginkgo Biloba (Male grafted)~~	~~Ginkgo~~
~~(s)~~	~~Syringa Reticulata~~	~~Japanese Tree Lilac~~
~~(t)~~	~~Aesculus Glabra~~	~~Ohio Buckeye~~

~~(Ord. No. 17889, § 15, 11-21-91)~~

~~APPENDIX D TO THE ZONING CODE~~

~~WIDTH OF UNPAVED STREETS~~

~~IN HIGHWOOD~~

~~(OCTOBER, 1990)~~

Appendix A. Zoning Code - Width of Unpaved Streets in Highwood

(October, 1990)

Part of Highwood	Street Direction	Street Name	Width of Driving Surface (to the nearest foot)			
North (North of Highwood Avenue)	E - W	Mailand	11	20 (W)[1]	16 (M)[2]	(E)[3]
		Elmwood		10	10	10
		Howard (Lower)		16	16	16
		Hadley		10	10	10
	N - S	Mystic	26	18(N)[4]	18 (M)[2]	(S)[5]
South (South of Highwood Avenue)	E - W	Skyway	12	15 (W)[1]	14 (M)[2]	(E)[3]
		Ogden Court	14	12	12	
		Douglynn		18	16	16
		Snowshoe		18	16	16
		Boxwood *south of tree		16	16*	22
		Marillac			18	20
	N - S	Winthrop			16 (N)[2]	18 (S)[5]

(1) (W) indicates the width at the westernmost end of the street.

(2) (M) indicates the width in the middle of the street.

(3) (E) indicates the width at the easternmost end of the street.

(4) (N) indicates the width at the northernmost end of the street.

(5) (S) indicates the width at the southernmost end of the street.

Section 2

That the zoning map of the City of Saint Paul is hereby amended so that the existing OS-2 General Office-Service District be replaced with the new TN3 Traditional Neighborhood District, and that all property on the West Side Flats and Upper Landing currently zoned OS-2 General Office-Service be rezoned to TN3 Traditional Neighborhood District.

Section 3

This ordinance shall become effective thirty (30) days after its passage, approval and publication.

	Yeas	*Nays*	*Absent*
Benanav			
Blakey			
Bostrom			
Coleman			
Harris			
Helgen			
Lantry			

Adopted by Council: Date _____

Adoption Certified by Council Secretary

By: _____

Approved by Mayor: Date _____

By: _____

Requested by Department of:

Planning & Economic Development

By: _____

Approved by Financial Services

By: _____

Form Approved by City Attorney

By: _____

Approved by Mayor for Submission to Council

By: _____