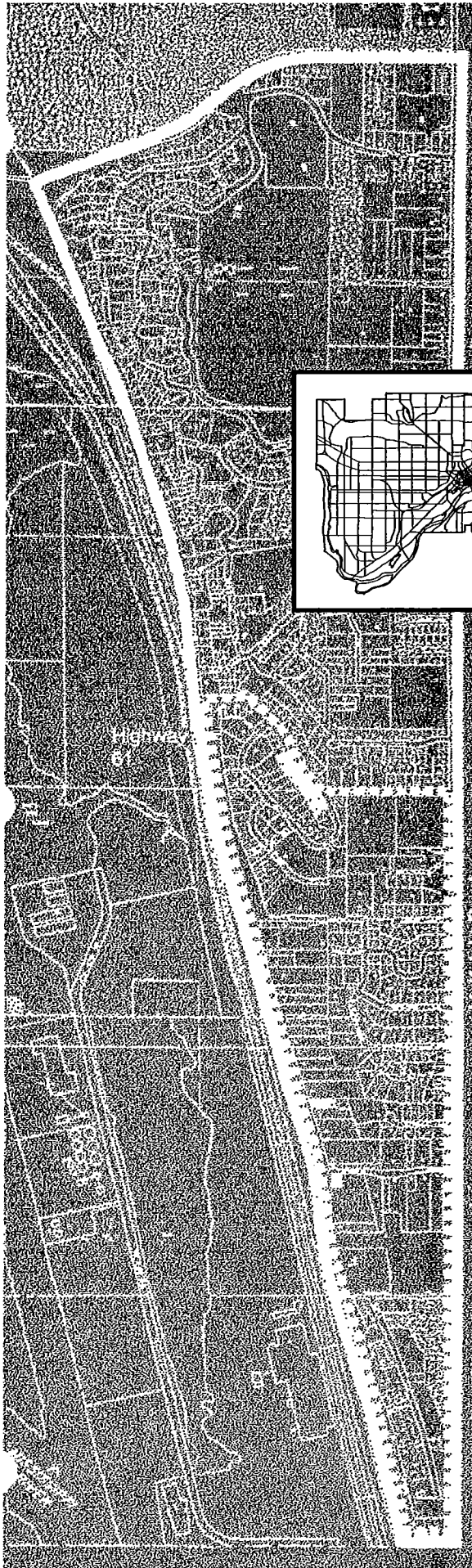
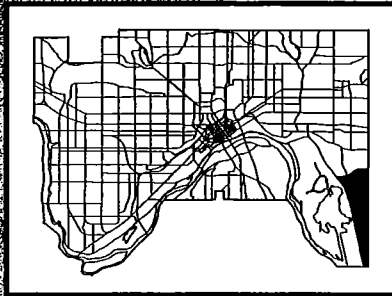


# Highwood Development Policies and Regulations for Implementation



CITY OF SAINT PAUL

DEPARTMENT OF PLANNING AND  
ECONOMIC DEVELOPMENT

April 1995

This packet of materials contains development policies and regulations related to the area of Saint Paul commonly referred to as Highwood. For the purposes of these policies and regulations, Highwood is bounded on the north by Lower Afton Road, on the east by McKnight Road, on the south by the city limits and on the west by Highway 61. North Highwood is that area north of Highwood Avenue; South Highwood is that area south of Highwood Avenue.

These policies and regulations are the result of a multi-year planning process and partnership between the District One Community Council, the Highwood Task Force (a group of Highwood residents), the Saint Paul Departments of Planning & Economic Development and Public Works, Ramsey County and the Ramsey-Washington Metro Watershed District.

For further information, please contact Lucy Thompson, Department of Planning and Economic Development, at 266-6578, or the District One Community Council at 292-7828.

# HIGHWOOD DEVELOPMENT POLICIES:

## A PLAN FOR GROWTH MANAGEMENT IN THE HIGHWOOD AREA OF ST. PAUL

### GENERAL

- G1. The wooded areas in Highwood, especially along the fragile bluffline, should be preserved and protected.
- G2. Applicable guidelines and standards for lands within the boundaries of the Mississippi National River and Recreation Area should be endorsed.
- G3. The existing mature stand of trees should be preserved, and the natural canopy of vegetative cover on vacant and occupied lots should be maintained.
- G4. Trees with a diameter in excess of 10 inches should be protected.
- G5. A landscape plan should be required for all subdivisions.
- G6. The City and/or County should institute a plan for acquiring additional open space in the bluff area. Platted but non-existent streets (such as Mystic, Elmwood and Brookline) could provide the basis for a trail system for non-motorized use.
- G7. Battle Creek Park and Pigs Eye Lake should be tied to the neighborhood through an open space and trail system. Access to Pigs Eye Lake by trail should be developed.
- G8. In the event Totem Town becomes available for alternative uses, it should be designated as public open space with appropriate areas set aside as undeveloped natural areas representative of the region's ecosystem.
- G9. Lands classified as unsuitable for development by the Task Force (86 acres on vacant parcels) should be acquired by the City or County on a willing-seller basis for open space and for use as holding pond areas. The City should enforce the River Corridor standards. The City supports continuation of County acquisition of steep slope parcels for open space purposes, and encourages Ramsey County to pursue acquisition funds when they become available through the Mississippi National River and Recreation Area Program.

*This policy addresses two issues regarding steep slope parcels (those with slopes of greater than 18 percent): preservation and acquisition. The City Council agrees that steep slopes, especially within the Mississippi River Critical Area, should be preserved, and that the city's River Corridor standards are reasonable and necessary in order to conserve and protect unique natural and scenic resources. The River Corridor standards prohibit residential development on slopes greater than 18 percent.*

*The City Council supports Ramsey County's acquisition program, but shares the neighborhood's frustration that acquisition has slowed due to funding constraints. In 1989, the portion of the Mississippi River that flows through the seven-county metropolitan area was designated as the Mississippi National River and Recreation Area (MNRRA) by Congress. Designation as the MNRRA makes the Mississippi River Critical Area a part of the national park system and requires that a unified comprehensive plan be developed and implemented by federal, state and local governments. Once the comprehensive plan is approved, the Secretary of the Interior is authorized to make grants to state and local governments for up to 50 percent of the cost of acquisition and*

*development of park and conservation lands within the MNRRA. While availability of these funds is at least three years away, the City Council sees the program as a significant opportunity for Ramsey County to accelerate its acquisition program.*

- G10. Alternatives should be found to major interceptors as the preferred means of surface water management on the bluffs. Where possible and appropriate, holding ponds should be used.
- G11. Through streets are encouraged.
- G12. Cul-de-sacs should be kept to a minimum, as short as possible and with a 40-foot roadway radius.
- G13. Street width for newly-platted residential streets should be 24 feet, curb-face to curb-face, with a 50-foot right-of-way. When city services are brought to existing streets that are less than 24 feet wide, or when such streets are improved, they should be rebuilt at their original width. Unpaved street widths will be compiled by the Highwood Task Force and submitted to Public Works for record keeping. In determining street and right-of-way layout, mature stands of trees and trees with a diameter in excess of 10 inches should be protected and preserved.

*The primary reason the Task Force recommended street widths and right-of-ways narrower than the current standard to minimize the loss of vegetation, trees and green space that usually accompany street construction and utilities installation. The current standard width for local residential streets is 32 feet curb-face to curb-face, with a 60-foot right-of-way.*

*The City Council agrees with the Task Force, and feels that a width of 24 feet for newly-platted residential streets is acceptable, as long as parking is allowed on one side of the street only. This will allow fire and emergency rescue vehicles safe and efficient access to homes. These safety considerations were of primary concern to the City Council in approving a lower minimum street width.*

*Based on testimony presented at the public hearing, the City Council will allow existing streets narrower than 24 feet to remain at the narrower width, even if they are torn up to install city services or if they are improved. The City Council feels that the narrower width of these streets is an established pattern for the neighborhood that need not be disturbed. Residents along these streets are satisfied with the width and are not concerned about emergency access. The City Council feels, however, that it would be appropriate to establish a slightly different pattern when new streets are platted.*

*This policy decreases the required minimum street width and the required minimum street right-of-way in order lessen the disruption to the natural environment while still preserving adequate space for utilities and city services, but requires that trees within the right-of-way be protected through flexible street and right-of-way layout.*

- G14. Homeowners should be required to have off-street parking for two cars per household.
- G15. All utilities should be underground.
- G16. Neighborhood street lighting should be Post Top, Old Post Lamp or a similar unobtrusive type.

#### NORTH HIGHWOOD

- NH1. The minimum lot size for unplatted residential lots with more than 50 percent of the lot at a slope of less than 12 percent should be 9,600 square feet. The minimum lot size for

unplatted residential lots with more than 50 percent of the lot at a slope of 12 percent or greater should be 15,000 square feet. When determining lot size, the "base case" slopes should be those in existence at the time of preliminary plat submission. Alterations to slopes should not be allowed that would lower the "base case" slope from 12 percent or greater to less than 12 percent. Platted, undersized lots would be considered non-conforming.

*The City Council's approved policy is consistent with a Highwood Task Force compromise solution based on public comment during the review period. Since the primary intent of increasing the minimum lot size is to protect the environmental resources in the area (including wooded areas and areas with higher slopes), the compromise is geared to a distinction based on slope. In addition, site plan review is required for any residential development on slopes of 12 percent or greater. The policy concerning alterations to "base case" slopes is to avoid the situation where a developer flattens a 16 percent slope to a 6 percent slope in order to develop the entire subdivision with 9,600-square-foot lots.*

- NH2. Installation and improvement of water lines, sanitary and storm sewers, paved streets and appropriate lighting should be continued.
- NH3. Private domestic water wells should be gradually phased out with the introduction of city water service.
- NH4. A plan should be prepared to improve services for the area of Mailand Road, including some residences on McKnight Road. This should be integrated into plans for future development of the open areas and taken into consideration in Ramsey County's plans for Totem Town.
- NH5. The separation of sanitary and storm sewers should continue until completed.
- NH6. The City should assist the Ramsey-Washington Metro Watershed District in the implementation of the District's plan for controlling run-off in the Howard Street ravine area.
- NH7. Access to McKnight Road should be made by collector streets.
- NH8. Sidewalks should be installed on McKnight Road only, until bus service is available to other streets in the area.

#### SOUTH HIGHWOOD

- SH1. The minimum lot size for unplatted residential lots should be 1/2 acre (21,780 square feet), sufficient to accommodate on-site septic systems and private wells and subject to on-site soil tests. Platted, undersized lots would be considered non-conforming.
- SH2-3. Private wells and sanitary systems should continue to be used. Existing on-site sewage treatment systems should be inspected immediately and annually thereafter to determine whether they are functioning properly. Appropriate mitigative measures should be taken by the property owner to correct any problems identified through the inspection. New on-site sewage treatment systems should be inspected at least once each year to determine whether they are functioning properly and not overflowing. All costs of these inspections will be borne by the property owner. On-site sewage treatment systems found not to be functioning properly, or that are overflowing, should be repaired, replaced or corrected by the property owner. If the owner fails to do so, the City may proceed under the provisions of Chapter 45 of the Legislative Code and abate the nuisance.
- SH4. Periodic testing of wells (not only in Highwood, but city-wide) should be performed every

three years.

- SH5. The current system of natural ponding to contain stormwater run-off should be maintained; existing plans for the purchase of ponding sites should be accelerated.
- SH6. Two ponding areas, one at McKnight/Highwood and one northeast of Ogden Avenue, should be acquired, and conveyance to overflow down the bluff should be provided.
- SH7. The conveyance system for run-off from McKnight down Marillac Lane and Carver Avenue should be improved.
- SH8. City cooperation in implementation of the Ramsey-Washington Metro Watershed District's plan for the Fish Creek Flowage Area should continue.
- SH9. Streets that are unpaved should remain unpaved, but the street maintenance program should be reviewed and upgraded. If the review shows that maintenance costs for unpaved streets are higher than normal, the costs for an upgraded street maintenance program for South Highwood streets should be assessed to benefiting property owners.

*The City Council feels that streets that are less than fully paved can still provide safe and efficient access to residential properties. Property owners need to realize that unpaved streets often require more maintenance than paved streets. Further, if the street maintenance program is to be upgraded over what is done now, there will be additional expenses. These expenses will be borne by the benefiting property owners.*

- SH10. Any future streets should be unpaved.

Adopted by the City Council  
July 12, 1990



## Interdepartmental Memorandum

CITY OF SAINT PAUL

DATE: December 19, 1991

TO: Affected City Staff

FROM: Lucy Thompson, PED *Lucy Thompson*

RE: Final Comprehensive Plan and Ordinance Changes to Implement Highwood Plan

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As most of you probably know by now, the City Council completed adoption of the Highwood Comprehensive Plan and ordinance amendments on November 21, 1991. The purpose of this memo is to summarize the new regulations and to update you on the status of the Highwood development moratorium.

### NEW POLICIES AND REGULATIONS

#### New Zoning Regulations

1. A new zone was created: R-LL, One-Family Large Lot Residential. R-LL is just like R-1, except that the required minimum lot size is larger: 21,780 square feet (a half acre) or whatever size is necessary to site and install an individual sewage treatment system in accordance with state, county and local regulations.
2. The area south of Highwood Avenue, between McKnight and Highway 61, was rezoned to R-LL.
3. A new overlay zone was created: "T" Tree Preservation. The entire Highwood neighborhood (Lower Afton Road south to the city limits between Highway 61 and McKnight Road) was made part of the "T" overlay district.
4. A tree preservation plan must be submitted for any of the following activities in the "T" zone:
  - a. a building permit that requires the removal of one or more trees of 12" DBH (diameter at breast height) or larger;
  - b. grading permit;
  - c. fill permit;
  - d. lot split;
  - e. plat approval; or
  - f. any development requiring site plan review (in the "T" district, this includes any development of 1- and 2-family residences over 1 acre in size).

The full text of the "T" regulations is attached.

5. The minimum lot size in R-1 stays 9,600 square feet, except when over half of the lot has slopes of 12 percent or greater, in which case the minimum lot size is 15,000 square feet.

#### Subdivision Regulations

1. Topo maps must be submitted with every preliminary plat in Highwood.
2. Minimum local street widths in Highwood are 24 feet, with a minimum right-of-way of 50 feet.
3. In Highwood, existing streets that are narrower than 24 feet may remain and shall be replaced at current width if disturbed for any reason.
4. In the R-LL district, residents do not have to connect to public water mains within 3 years or to the public sewer system within 2 years of their being made accessible to the lot(s).
5. New wells and septic systems are allowed in the R-LL district without a waiver, unless city water and/or sewer is already in place. If city sewer and/or water is already in place, the new development must connect to it.
6. City sewer, water, storm sewer and paved streets to not have to be provided to new subdivisions in the R-LL district.

#### Issuance of House Numbers

1. In the R-LL (One-Family Large Lot Residential) District, a waiver is not necessary in order to issue a house number where there is no city sewer, city water or an improved street.

#### Individual Sewage Treatment System Ordinance

1. All septic systems existing on the effective date of the ordinance (January 7, 1992) must be inspected within 12 months of the effective date of the ordinance and annually thereafter.
2. All new septic systems installed after the effective date of the ordinance must be inspected annually.
3. All septic systems must be pumped at least every 3 years.
4. All wells existing on the effective date of the ordinance must be tested for coliform



bacteria and nitrate within 12 months of the effective date of the ordinance and every 2 years thereafter.

5. All wells installed after the effective date of the ordinance must be tested for coliform bacteria and nitrate every 2 years from the date of installation.
6. Records of all inspection and water test results will be maintained by the Division of Public Health.

#### Comprehensive Sewer Plan

1. New development in South Highwood (south of Highwood Avenue), or any other areas rezoned to R-LL, One-Family Large-Lot Residential, may proceed with individual sewage treatment systems, subject to compliance with applicable local, county and state regulations.
2. Sanitary and storm sewer will be provided to North Highwood (north of Highwood Avenue) in response to property owner or developer petition.
3. The McKnight/Highwood pond (French property) should be acquired for use as open space and, if appropriate, maintenance as a natural pond.

#### A Plan for Street and Highways

1. In the R-LL district, existing unpaved streets may remain unpaved, and new local streets may be unpaved.

#### **DEVELOPMENT MORATORIUM**

1. The Highwood development moratorium expires on January 7, 1992.
2. For your information, the development moratorium **does not include** the issuance of building permits or house numbers on already-existing legal lots of record. If you have any questions about whether a particular activity is allowed or not, please call me at 228-3370.

If you would like more information on any of the specifics of the changes I have outlined here, please call me. I would be happy to either sit down with you and go through them or to send you a copy of the full text. As I noted above, I have attached a copy of the "T" Tree Preservation District regulations, since they are probably the most complicated.

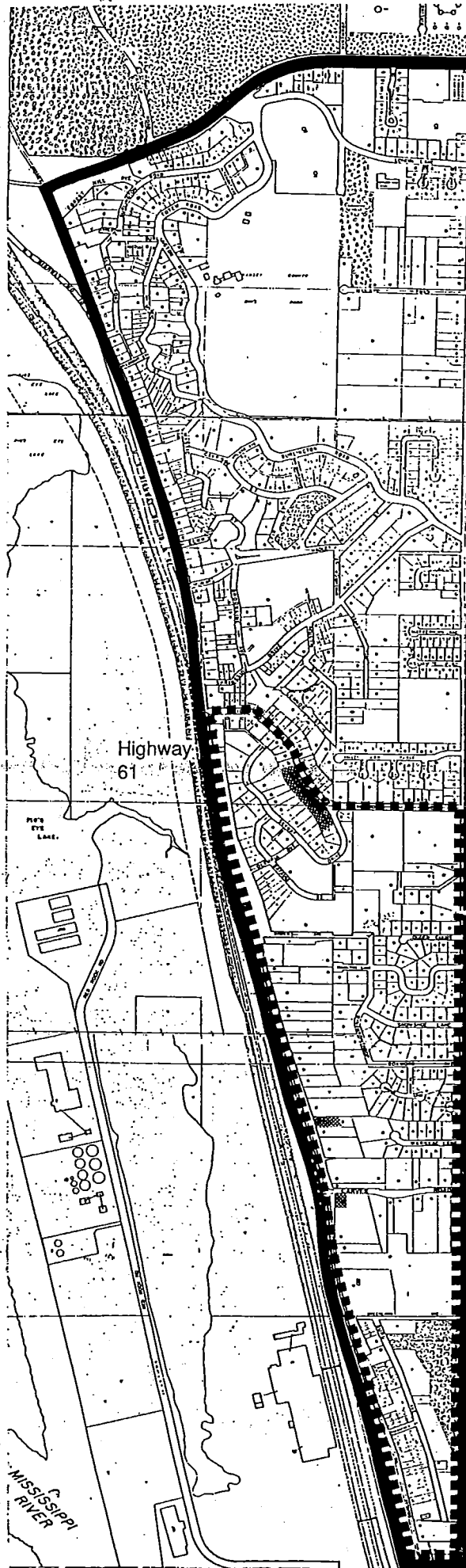
Attachments

Lower Afton Road

# HIGHWOOD REZONING PROPOSALS

August 1991

- Proposed "T" Tree Preservation Overlay District
- Rezone from R-1 to R-LL except for shaded parcels



Highway  
61

Highwood Avenue

McKnight Road

MISSISSIPPI  
RIVER



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.

- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so indicated that they are 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.
- (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.
- (5) Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be said district boundary line.
- (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. 60.303. 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 zone 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)

Division 2. 60.400. Residential Districts

*Subdivision 1. 60.405. R-LL  
One-Family Large  
Lot Residential District*

**Sec. 60.406. Intent.**

The R-LL One-Family Large Lot Residential District is the lowest density residential district. The intent is to provide for a semirural environment of predominantly low-density, one-family detached dwellings along with other residentially related 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.

(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. 60.411. Intent.**

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 serve the residents in the districts. 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, § 60.411; Ord. No. 17550, § 5, 4-12-88; Ord. No. 17889, § 13, 11-21-91)

**Sec. 60.412. Principal uses permitted.**

In an R-1, R-2, R-3, R-4 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 following specified uses unless otherwise provided in this code:

- (1) One-family detached dwellings.
- (2) Publicly owned and operated libraries, parks and recreation facilities.
- (3) Public, parochial and other private elementary, junior high or high schools offering courses in general education, and not operated for profit.
- (4) Municipal buildings and uses, without outdoor storage.
- (5) Churches, chapels, synagogues, temples and any other similar houses of worship.

- (6) Convents, rectories and parsonages, all when associated with a church, chapel, synagogue, temple and other similar house of worship.
- (7) Home occupations which are compatible with other residential uses and which maintain and preserve the character of residential neighborhoods subject to the following requirements:
  - a. A home occupation shall not involve the conduct of a 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.
  - b. A home occupation may include professional offices, small service establishments or offices, or homecrafts which are typically considered accessory to a dwelling unit.
  - 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, one of whom shall reside within the dwelling unit. 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, one of whom shall reside within the dwelling unit.
  - e. No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
  - f. Service occupations shall serve no more than one party per employee at a time and shall not serve groups.
  - g. There shall be no exterior storage of equipment or supplies associated with

Chapter 61. Zoning Ordinance—Schedule of Regulations Limiting Height, Bulk, Density, and Area by Zoning Districts

Sec. 61.101. Residential districts.

Zoning District	Minimum Size Lot Size Per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Maximum Percent of Lot Occupied By Main Building	Floor Area Ratio (FAR)	Minimum Width of Structures
	Area in Square Feet	Width in Feet	In Stores	In Feet	Front	Side	Rear			
						Minimum	Total of Two			In Feet
61.101 RESIDENTIAL DISTRICTS										
R-LL One-Family Large Lot Residential	21,780 k	80	3	30	30 a, b	10	20 b	25 b	NA	j
R-1 One-Family Residential	9,600 l	80	3	30	30 a, b	10	20 b	25 b	NA*	j
R-2 One-Family Residential	7,200	60	3	30	25 a, b	6	16 b	25 b	NA	j
R-3 One-Family Residential	6,000	50	3	30	25 a, b	4	12 b	25 b	NA	j
R-4 One-Family Residential	5,000	40	3	30	25 a, b	4	8 b	25 b	NA	j
RT-1 Two-Family Residential	3,000 c	25	3	40	25 a, b	9	18 b	25 b	NA	j
RT-2 Townhouse Residential	c, d, e	e	3	40	25 a, b	9	18 a, b, d, f	25 b	NA	NA
RM-1 Multiple-Family Residential	c, e, g	f	3	40	25 a, b, h	1/2 ht. or 15 which- ever is greater	b, h ht. or 30 which- ever is greater	25 b, h	NA	NA
RM-2 Multiple-Family Residential	c, e, g	f	5	50	25 a, b, h	1/2 ht. or 15 which- ever is greater	b, h ht. or 30 which- ever is greater	25 b, h	NA	NA
RM-3 Multiple-Family Residential	e, i, g	f	no max.	no max.	50 a, b, h	50	100 c, h	50 b, h	NA	NA

\* NA - Not Applicable (Ord. No. 16956, 9-9-82; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17524, 1-6-88)

**Notes to 61.101 Residential Districts:**

- (a) Where at least fifty (50) percent of the front footage of any block is built up with principal structures, the front yard setback for new structures shall be equal to the average of the existing structures, except that any structure which is set back twenty (20) percent more or less than the average may be discounted from the formula.
- (b) For those uses permitted 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.
- (c) 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. In addition, the following regulation shall apply: When townhouses are developed, each individually described lot shall contain a maximum of three hundred (300) square feet of open space, unobstructed except for trees, shrubs, fences, yard furniture, or similar facilities for the private use of the residents of the dwelling unit occupying that lot.
- (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.
- (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.

- (f) Side yards are required only for dwelling units on the ends of the townhouse structure.
- (g) For each required parking space within the multiple-family structure or otherwise completely underground, the lot area figure may be increased by three hundred (300) square feet. A site plan shall be required when applying for underground parking bonuses showing layout and dimensions.
- (h) In an RM-1, RM-2, or RM-3 District, when two (2) or more buildings are constructed on the parcel, there shall be a distance of at least thirty (30) 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) 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.
- (k) The actual lot size may depend on how much square footage is needed to properly site

and install an individual sewage treatment system.

- (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, 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.

(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)

**Sec. 61.102. Reserved.**

Editor's note—Section 61.102, pertaining to lot sizes, and derived from § 61.102 of the city's 1956 Code, was repealed by Ord. No. 17204, adopted Jan. 15, 1985.

**Sec. 61.103. Business districts.**

Zoning District	Minimum Size Lot Size Per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)				Maximum Percent of Lot Occupied By Main Building	Floor Area Ratio (FAR)
	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Side		Rear		
						Minimum	Total of Two			
61.103 BUSINESS DISTRICTS										
OS-1 Office-Service	none	none	3 d	30 d	15 a,g	b	b	b,c	none	1.0
B-1 Local Business	none	none	3	30	15 a,g	b	b	b,c	none	1.0
B-2 Community Business	none	none	d,e	30 d,e	0 e,g	b,e	b,e	b,c,e	none	2.0 e
B-2C Community Business (Converted)	none	none	3	30 d	25	4	8	25	30%	NA

imum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.

(Ord. No. 17511, 3, 11-12-87)

*Subdivision 7. 60.780. "T" Tree  
Preservation District*

**Sec. 60.781. Intent.**

The "T" Tree Preservation 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 "T" 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. 60.782. Principal uses permitted and principal uses permitted subject to special conditions.**

In the "T" Tree Preservation overlay district, principal uses permitted outright and principal uses permitted subject to special conditions 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. 60.783. 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 "T" 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 "T" 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. 60.784. 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 60.788.

(Ord. No. 17889, § 14, 11-21-91)

**Sec. 60.785. 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. 60.786. 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. 60.787. 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 60.789.

(Ord. No. 17889, § 14, 11-21-91)

**Sec. 60.788. 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 (2½) caliper inches and of a species similar to the tree(s) lost or removed. Deciduous replacement trees shall be of the species indicated in Appendix C to the zoning code. 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. Coniferous replacement trees shall be of the species indicated in Appendix C to the zoning code.

(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 "T" 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 60.788(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 60.788(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 60.788 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. 60.789. 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 60.788(i).

(b) Release of the security shall be as provided in section 62.108(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. 60.790. 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\**

#### **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

\*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.

## 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

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- |   |                              |
|---|------------------------------|
| (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    |
| <br>(4) <i>Large Deciduous Shrubs:</i>  |                              |
| (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                   |
| <br>(5) <i>Large Deciduous Trees:</i>   |                              |
| (a) Quercus (Varieties)                 | Oak                          |
| (b) Acer Platanoides                    | Norway Maple                 |
| Acer Saccharum                          | Sugar Maple                  |
| (c) Celtis Occidentalis                 | Hackberry                    |
| (d)                                     |                              |
| (e) Betula (Varieties)                  | Birch                        |
| (f)                                     |                              |
| (g) Ginkgo Biloba                       | Maidenhair Tree              |
| (h) Gleditsia (Varieties)               | Honeylocust                  |
| (i)                                     |                              |
| (j) Ostrya Virginica                    | American Hophornbeam         |
| (k) Tilia Cordata                       | Little European Linden       |
| (l) Crataegus Oxyacantha                | English Hawthorn             |
| (m) Fraxinus Americana                  | White Ash                    |
| (n) Sophora Japonica                    | Chinese Scholar Tree         |
| (o)                                     |                              |
| (p) Fraxmus Pennsylvania (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)

# SUBDIVISION REGULATIONS

ZONING CODE

§ 67.501

(7) The subdivision can be economically served with public facilities and services.

(b) *Delegation of planning commission review.* The planning commission may, by general rule, delegate to the planning administrator its power to review and approve such matters and cases.

**ARTICLE V. GENERAL REQUIREMENTS AND DESIGN STANDARDS**

**Sec. 67.500. General requirements and design standards.**

(a) Subdividers shall use these general requirements and design standards in developing new subdivisions. In cases where an official map exists, that map shall supersede these standards. Unless otherwise stated, the director of public works shall have the authority to modify these standards for reasons of design or safety; such reasons shall be in writing and attached to the plat.

(b) These standards shall be considered minimum requirements and shall be waived by the city council only under circumstances set forth in Section 67.703.

**Sec. 67.501. Streets.**

(a) *Standards.* Streets shall conform to the comprehensive plan and the official map, if any. No new residential subdivision shall be created without provision for streets which meet these requirements and design standards. In cases of commercial/industrial subdivisions, the director of public works may require different standards.

(b) *Alignment.* 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.

Local streets shall discourage use by through traffic. Where a subdivision abuts or contains an existing or proposed minor arterial, the planning administrator may require marginal access streets reverse frontage lots which contain screen planting in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and the separation of through and local traffic.

(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:

	<i>Right-of Way Width in Feet</i>	<i>Roadway Width in Feet</i>
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 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.

(d) *Deflections.* When the centerline of connecting streets or the centerline of a single street deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius appropriate to the design speed of the street; such radius shall be approved by the director of public works.

(e) *Grades.* All centerline gradients shall be at least one-half of one percent (0.5%) and shall not exceed the following:

	<i>Grade</i>
Major Arterials	6%
Collectors	6%
Local Streets	10%

(f) *Intersections:*

(1) Jog: Street intersections with centerline offsets of less than twenty-five (25) feet shall

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APPENDIX D TO THE 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	16	(E) <sup>3</sup>		
				(W) <sup>1</sup>	(M) <sup>2</sup>			
				Elmwood	10	10	10	
				Howard (Lower)	16	16	16	
				Hadley	10	10	10	
	N - S	Mystic	26	18	18	(S) <sup>5</sup>		
				(N) <sup>4</sup>	(M) <sup>2</sup>			
South (South of Highwood Avenue)	E - W	Skyway	12	15	14	(E) <sup>3</sup>		
				(W) <sup>1</sup>	(M) <sup>2</sup>			
				Ogden Court	14	12		
				Douglynn		18	16	16
				Snowshoe		18	16	16
				Boxwood		16	16*	22
				*south of tree				
				Marillac		18	18	20
	N - S	Winthrop		16	16	18		
				(N) <sup>4</sup>	(M) <sup>2</sup>	(S) <sup>5</sup>		

- (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.



plat, "Reserved for Stormwater Detention Pond Purposes." The developer shall dedicate all such ponding areas to the city as a condition of final subdivision plat approval. Where the required ponding area, as designated in the comprehensive plan or as designated by the director of public works, has a value in excess of seven (7) percent of the market value of the subdivision lands as determined by the city valuation engineer, it shall be offered to the city for purchase; the city shall be given a reasonable time to respond.

- (3) Money in lieu of land: In the event that a particular subdivision does not contain a stormwater detention pond, as designated in the comprehensive plan, on the official map or by the director of public works, the planning commission shall require, prior to final approval of the subdivision plat, that the applicant deposit with the city a cash payment in lieu of land reservation. Such deposit shall be placed in a stormwater detention pond fund to be established by the city. Such deposit shall be used by the city for improvements to, or maintenance of, existing ponds or acquisition of property. Such deposit must be used for facilities that will be actually available to and benefit the persons in said subdivision and be located in the general neighborhood of the subdivision. The amount deposited shall be seven (7) percent of the market value of the subdivision lands at the time of the subdivision application, as determined by the city valuations engineer.

(C.F. No. 91-531, § 35, 5-6-93; C.F. No. 93-1718, § 116, 12-14-93)

#### Sec. 67.505. Water facilities.

(a) *General requirements:*

- (1) The applicant shall install water main facilities in a manner prescribed by the water utility. All plans shall be designed in accordance with the rules, regulations and standards of the water utility, health department and other appropriate agencies. Plans shall be approved by the above agencies.
- (2) Where public water mains are not available for extension, action shall be taken by the applicant to create a water supply district for the purpose of providing a water supply system capable of providing domestic water use and fire protection.
- (3) Looped water mains shall be required unless specifically varied by the water utility and fire department.
- (b) *Locations with water mains available.* Water mains facilities shall connect with the public water main facilities. Water mains shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. To eliminate future street openings, all underground water facilities shall be installed before any final paving of a street shown on the subdivision plat. Fire hydrants shall be located at each intersection and no more than six hundred (600) feet apart and shall be approved by the applicable protection unit. Water main facilities shall be subject to the specifications, rules, regulations and guidelines of the water utility.
- (c) *Locations with no available water mains:*
- (1) Action shall be taken by the applicant to create a water supply district for the purpose of providing a water supply system capable of providing domestic water use and fire protection.
- (2) In single-family zoning districts, if the planning commission determines that a public water main is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the health department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the planning commission.
- (3) If the planning commission requires that a connection to a public water main eventually be provided as a condition to approval of an individual well or central water system, the applicant shall make arrange-

ments for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

(d) *Mandatory connection to public water mains.* Except in the R-LL District, if a public water main is placed in a street abutting upon developed property, the owner thereof shall be required to connect the development to the public water main within three (3) years.

(e) *Provision of water facilities in the R-LL District.* In the R-LL District, existing individual wells or central water systems shall be permitted to continue, in accordance with applicable city, county and state requirements. New individual wells or central water systems shall be permitted, in accordance with applicable city, county and state requirements, except if a public water main is in place. If a public water main is in place prior to development, new development shall connect to it. If a public water main is placed in a street abutting upon developed property with an existing individual well or central water system, the owner shall not be required to connect to the public water main.

(Ord. No. 17890, § 4, 11-21-91)

#### Sec. 67.506. Sewerage facilities.

(a) *General requirements.* The applicant shall install sanitary sewer facilities in a manner prescribed by the director of public works. All plans shall be designed in accordance with the rules, regulations and standards of the director of public works, health department and other appropriate agencies. Plans shall be approved by the director of public works. Sanitary sewer extension permits must be obtained from the metropolitan waste control commission and the Minnesota Pollution Control Agency prior to commencement of the work.

(b) *Locations with sewers available.* Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be sub-

ject to the specifications, rules, regulations and guidelines of the health officer, public works department, MWCC and MPCA.

(c) *Locations with no available sewers.* Where public sanitary sewerage systems are not reasonably accessible but will become available, subdivision of land shall not be allowed until sewers are available.

Where public sanitary sewer service cannot reasonably be provided, the director of public works may authorize an on-site disposal system. Such on-site disposal system shall be subject to the rules, regulations and standards of the director of public works.

(d) *Mandatory connection to public sewer system.* Except in the R-LL District, if a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon developed property, the owner thereof shall be required to connect to said sewer within two (2) years.

(e) *Provision of sewerage facilities in the R-LL District.* In the R-LL District, existing individual sewage treatment systems shall be permitted to continue in accordance with applicable city, county and state requirements. New individual sewage treatment systems shall be permitted in accordance with applicable city, county and state requirements, except if public sewer is available. If public sewer is available prior to development, new development shall connect to it. If public sewer is placed in a street or alley abutting developed property with an individual sewage treatment system, the owner shall not be required to connect to the public sewer system.

(Ord. No. 17890, § 5, 11-21-91)

#### Sec. 67.507. Blocks.

(a) *Block width.* Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets railroads or topographic barriers.

(b) *Block length.* The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand (1,000) feet. Wherever prac-

**Sec. 67.511. Monuments.**

(a) All plats must show boundary references with distance and direction to at least two (2) existing government corners. Ramsey County Coordinates, North American Datum of 1983, must be shown on these existing government corners. Where it would cause undue hardship, City of Saint Paul second order control network monuments may be substituted in lieu of the two (2) existing corners. This option is to be determined by the chief surveyor of the City of Saint Paul, Department of Public Works.

(b) Ramsey County Coordinates must be shown on all government corners controlling a plat boundary. These corners shall be referenced to the plat by distance and direction.

(c) Monuments found in place from previous surveys that determine the new plat boundary must be shown and designated as "found," whether these monuments are actually a part of the new plat or not. These monuments must also be referenced to the new plat by distance and direction.

(d) A note on the plat shall state the basis for the geographical orientation of the plat. An example of an acceptable form would: (1) assign a bearing to a specific line of the plat; (2) orient the bearing system to Grid North, Minnesota State Plane Coordinate System of 1983 South Zone; (3) orient the bearing system to Ramsey County Coordinates, North American Datum of 1983; and (4) assign a bearing to a specific section line. The statement "All bearings are on an assumed datum" shall not be used.

(e) Plats showing elevations must be referenced to a durable bench mark described on the plat together with its location and elevation given in City of Saint Paul Datum or other acceptable datum as determined by the chief surveyor of the City of Saint Paul, Department of Public Works. Elevations shall be given to the nearest hundredth of a foot. The date of the elevation survey shall also be shown. If the bench mark is within the plat, its location shall be plotted by distance and direction and labeled.

(C.F. No. 93-1718, § 117, 12-14-93)

**ARTICLE VI. IMPROVEMENTS****Sec. 67.600. Required improvements.**

(a) *Generally.* In instances where the subdivider owns all the property being served by the following listed improvements, and he petitions the city to construct the same, the subdivider will be charged the full cost of the improvement notwithstanding limitations contained in the city's assessment policy. In the event other properties, not owned by the subdivider, are served by the improvements, and if the city is petitioned to construct the same, the apportionment of costs, if required, will be determined by the City of Saint Paul. Prior to approval of the final plat by the city council, the subdivider shall either have installed and dedicated to the city, or guaranteed to install in a manner set forth in section 67.500 et seq., and which meets the standards of the director of public works, the following improvements on the site. Exceptions to these requirements are allowed in the R-LL District; the nature of these exceptions are noted below.

(b) *Water facilities.* Except in the R-LL District, public water service to be installed by the city. Such service shall consist of adequate water facilities, including fire hydrants and laterals to the property line. In the R-LL District, where new private wells or central water systems are permitted and existing private systems are not required to connect to a public water main, public water service need not be provided.

(c) *Sewer facilities.* Except in the R-LL District, public sanitary sewer service to be installed by the city. Such service shall consist of adequate sanitary sewer facilities, including installation of laterals to the public right-of-way line. In the R-LL District, where new individual sewage treatment systems are permitted and existing systems are not required to connect to a public sewer system, public sewer facilities need not be provided.

(d) *Storm sewer.* Storm sewer facilities not connected with street construction, to be installed by the city. The subdivider may install or may petition the city to install those storm sewer facilities that are connected with street construction (i.e., catch basins, leads to storm sewers).

(e) *Streets.* Except in the R-LL District, paved public streets, including curb and gutter, for those streets proposed in an approved subdivision. The subdivider may install the improvements, or he may petition the city to install such improvements. In the R-LL District, new streets may be unpaved and existing unpaved streets shall not be required to be paved.

(f) *Monuments.* Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat, at all block and lot corners, and at all intermediate points on the block and lot lines indicating changes of direction in the lines, prior to the final recording of the plat.

- (1) A statement or note on the final plat shall identify the type, size of monument set and the license number of the responsible land surveyor. Monuments set should be of durable iron, no less than one-half inch in diameter and fourteen (14) inches in length.
- (2) The plat shall identify the type and size of monuments found and also identify by whom set if known or marked by a license number.

(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 forty (40) feet along all streets, to be installed by the subdivider. Existing trees which meet the standards of this section may be used to satisfy these requirements. Only honey locust, hard maple, green ash, ginko or other long-lived shade trees approved by the city forester shall be planted.

(h) *Street names and signs.* Street signs at all intersections within or abutting the subdivision to be installed by the city. Street names shall be subject to the approval of the city council.

(i) *Street lights.* Street lights meeting city standards and specifications shall be installed by the subdivider at all interior street intersections within an approved subdivision. Such lights shall also be installed on all interior streets within the subdivision at points designated by the director of public works and shall be no more than two hundred (200) feet apart.

(j) *Topsoil sodding and seeding.* Redistribution of topsoil on the lot and boulevard, to be done by the subdivider. The subdivider shall seed or sod the disturbed boulevard areas.

(k) *Sidewalks.* Public sidewalks along both sides of collector and arterial streets and in such other locations required by the city council. The subdivider may install such improvements or petition the city to install such improvements.

(Ord. No. 17890, § 6, 11-21-91; C.F. No. 93-1718, § 118, 12-14-93)

#### **Sec. 67.601. Postponed construction of improvements.**

If the city council, upon the affirmative recommendation of the director of public works, determines that it is impractical for the subdivider or city to install any of the required improvements at the time of the lot split or subdivision because of unavailability of proper storm drainage, unreasonable segmentation of street or sidewalk construction or inability to install necessary utilities, the council may postpone the construction of such improvements until the conditions have been eliminated. In such case, the subdivider shall execute and deliver to the city an agreement for recording in the office of the county recorder for Ramsey County agreeing to be assessed for the costs of such improvements when constructed and waiving all rights to a hearing on the improvement and assessment. The agreement shall run with the land and be binding upon all successors in interest of the subdivider to the affected property. In such case, no bond or cash deposit will be for the postponed improvements.

#### **Sec. 67.602. Guarantees.**

The subdivider shall comply with all public works procedures for site development and, in addition, where appropriate, with site plan review guarantees required by the planning division.

#### **Sec. 67.603. Time of completion.**

All required improvements shall be completed within two (2) years from the date of approval of the final plat, except that the city council shall have the power to extend the time of completion

trial uses, garbage dumpsters and trash containers shall be 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. 62.108. 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 "T" 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 industrial use in an I-1, I-2, I-3 or RCI-1 District abutting a residential district.
- (5) Outdoor storage in industrial districts.
- (6) Any use which abuts to a major thoroughfare.
- (7) Any development on a slope of twelve (12) percent or greater.
- (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.
- (9) All off-street parking facilities except as noted in section 62.103(b).
- (10) Any other use or development for which the submission of a site plan is required by any provision of this code.
- (11) Earth-sheltered structures.
- (12) Detached, freestanding facilities constructed on parking facilities, including, but

not restricted to, kiosks, fotomats, banks and similar uses.

- (13) 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.

(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 planning 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 eleven (11) 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 planning 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 planning administrator and notification to adjacent property owners is required in section 62.104(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 to 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 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 planning 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.* In reviewing the site plan for earth-sheltered structures, the planning commission shall, in addition the above objectives, consider:

- (1) Type and location of landscaping to ensure maximum compatibility with adjacent above-grade housing.
- (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.
- (3) Proof of soil conditions which would not cause damage to adjacent users.
- (4) Proper drainage systems to handle storm-water runoff.
- (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.

(f) *Review of outdoor storage near residential districts and uses:* In reviewing the site plan for outdoor storage in industrial districts, the planning 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:

- (1) A visual screen, a minimum of six (6) feet in height, is placed between the outdoor storage and such residential district or use;
- (2) The planning administrator has considered the location and design of the outdoor

## Chapter 50. Individual Sewage Treatment Systems

### Sec. 50.01. General provisions.

(a) *Short title.* This chapter shall be known and referred to as the "Individual Sewage Treatment Systems Ordinance."

(b) *Intent and purpose.* This chapter is adopted by the city for the following purposes:

- (1) To protect the health, safety and welfare of the present and future residents of the community;
- (2) To regulate the design, location, installation, use and maintenance of individual sewage treatment systems;
- (3) To prevent the discharge of inadequately treated sewage to ground or surface waters;
- (4) To protect land, water and other natural resources within and outside the city from impairment, pollution or destruction;
- (5) To prevent and avoid health and ecological hazards attributable to bacterial and chemical contamination of lands and waters;
- (6) To protect water supply wells from contamination by inadequate or improperly designed, located, installed or maintained individual sewage treatment systems;
- (7) To provide for the orderly development of the semirural areas of the community that are not served or planned to be served by public sanitary sewer.

These standards are not intended to cover systems treating industrial waste or other wastewater that may contain hazardous materials. (Ord. No. 17888, § 1, 11-21-91)

### Sec. 50.02. Definitions.

As used in this chapter, the terms defined in Minnesota Rules 1990, Chapter 7080.0020 are incorporated herein by reference and shall be applicable to the provisions contained herein. The following additional definitions shall apply to this chapter.

*Bedroom:* Any room within a dwelling designed, used or intended for use as a sleeping room.

*Building official:* The head of the building inspection and design division of the Saint Paul Department of Community Services.

*Division of Public Health:* The public health division of the Saint Paul Department of Community Services.

*Dosing:* The periodic application of effluent to the soil absorption area.

*Drainfield rock:* Crushed igneous rock or similar insoluble, durable and decay-resistant material with no more than five (5) percent by weight passing a number four (4) sieve and no more than one (1) percent by weight passing a number two hundred (200) sieve. The size shall range from three-fourths inch to two and one-half (2½) inches.

*Failing system:* Any system being used beyond its design capacity or that for any other reason has failed to properly treat and/or dispose of the entire sewage input. Characteristics of a failing system include, but are not limited to:

- (1) Discharging pollutants or any liquid to the surface of the ground or to any lake, stream or other water body;
- (2) Not accepting sewage input from an occupied building;
- (3) Creating a safety hazard due to unprotected or improper construction or maintenance; or
- (4) Creating a public nuisance in any manner.

*Floodplain:* That area adjoining a watercourse at or below the water surface elevation that has been or hereafter may be covered by the 100-year regional flood of the Mississippi River. Generally, those areas zoned RC-1, River Corridor—Floodway, or RC-2, River Corridor—Flood Fringe.

*Minnesota Rules 1990, Chapter 7080.* The state chapter containing minimum standards and criteria for the design, location, installation, use and maintenance of individual sewage treatment systems, as administered by the Minnesota Pollution Control Agency, Water Quality Division.

**MPCA.** The Minnesota Pollution Control Agency.

**Septic tank.** Any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquid, digested organic matter and store liquids through a period of detention, and allow the clarified liquids to discharge to a soil treatment system.

**Slope.** The inclination of the natural surface of the land from the horizontal; commonly described as the ratio of length to height.

**Sec. 50.03. Compliance with Minnesota Rules 1990, Chapter 7080.**

Existing individual sewage treatment systems and new individual sewage treatment systems installed after the effective date of this ordinance shall comply with the requirements of Minnesota Rules 1990, Chapter 7080, unless modified in this ordinance.

(Ord. No. 17888, § 1, 11-21-91)

**Sec. 50.04. Existing systems.**

(a) **Diagram of existing system locations.** Within six (6) months of the effective date of this chapter, the owner shall have a diagram prepared for each individual sewage treatment system showing the location of the system and its components, the location of the other water supply wells, if present, the size and depth of the system, the depth to the seasonally high water table or bedrock, the size and integrity of the tank, and baffles on the tank. One (1) copy of the diagram shall thereafter be kept on the premises and a second copy shall be kept on file at the division of public health. The diagrams shall be updated when alterations or extensions are made to the system or private well.

(b) **Inspection of existing systems.** Within twelve (12) months of the effective date of this chapter, all existing individual sewage treatment systems shall be inspected by an individual or firm certified by the MPCA as an inspector. The inspector shall verify that the diagram of the system location is accurate at the time of the inspection. A copy of the inspection report, on forms to be provided by the division of public health, and proof

that either the system meets the requirements of this chapter or that any necessary repairs have been made, shall be submitted to the building official and the division of public health within the time specified. In addition to the inspection report, the property owner shall submit to the division of public health such fee as may be set by the city council. Upon receipt of a complete inspection report and fee, the division of public health shall send a certificate to the property owner verifying that the system conforms to the requirements of this chapter. The certificate shall be in effect for a period of one (1) year and shall be renewed at the time of the annual maintenance inspection and upon payment of the recertification fee.

(c) **Compliance with standards.** The building official shall examine the inspection report and shall notify the owner of the property if the system does not meet the requirements of this chapter. Those existing systems which are not designed, located, constructed, installed or maintained in accordance with the provisions of this chapter, but that are not failing, shall be so redesigned, relocated, reconstructed or replaced and otherwise brought into compliance within one hundred eighty (180) days of notice and order to comply issued by the building official. A failing system that shows evidence of sewage tank effluent discharge to the ground surface, ground or surface waters, or other evidence of failure to adequately treat the sewage tank effluent shall be replaced, reconstructed or repaired immediately when ordered to do so by the division of public health.

(Ord. No. 17888, § 1, 11-21-91)

**Sec. 50.05. Permit.**

(a) **Permit required.** No person shall install, alter, repair or extend any individual sewage treatment system in the city without first obtaining a permit from the building official for the specific work and complying with the provisions of Chapter 33 of this Legislative Code. Permits shall not be required for normal routine inspection and maintenance of systems.

(b) **Treatment required.** The system or systems shall be designed, installed and maintained to receive all sewage from the dwelling, building or other establishment served. Footing or roof



drainage shall not enter any part of the system. Products containing hazardous materials must not be discharged to the system, other than a normal amount of household products and cleaners designed for household use. Substances not used for household cleaning, including solvents, pesticides, flammables, photo-finishing chemicals or dry cleaning chemicals, must not be discharged to the system.

(c) *Application contents.* Permit application shall be made in writing upon forms provided by the building official and shall contain data including, but not limited to, the following:

- (1) Correct legal description of the property on which the proposed work is to take place.
- (2) Site plan, drawn to scale, showing the location of all proposed and existing structures in relation to the boundary lines of the property; present or proposed location of water supply facilities and water supply piping; the name of the individual or firm who will install the sewage treatment system; terrain features such as bluff lines, waterways and water bodies; buried utilities; easements and other unique features of the site.
- (3) A scale drawing showing the following, which shall be kept on file at the division of public health:
  - a. Lot dimensions;
  - b. House location;
  - c. Location and plan of the proposed individual sewage treatment system;
  - d. Relative elevations, in Saint Paul datum, of the house, lot corners and soil treatment area;
  - e. Location and elevations of percolation test holes and soil borings;
  - f. Location of one (1) alternate site for future expansion or replacement of the soil treatment area, if available;
  - g. Slope of ground at site of soil treatment area; and
  - h. Distance to all surface waters, wells, proposed wells, springs or other surface water within one hundred fifty (150) feet of the proposed soil treatment area.
- (4) Soil test data, including soil boring logs, percolation test data with field notes, and location and identification of the test area.
- (5) Plans and details of the proposed installation or work, including engineering data when required and supporting data attesting to compliance with the minimum standards of this chapter.
- (6) Building plans showing existing and proposed room arrangement and uses.
- (7) For other establishments, calculated or measured water use rates, occupancy and occupant load.
- (8) Evidence of compliance with state or other jurisdiction regulations where applicable.
- (9) The following supporting data, which shall be kept on file at the division of health:
  - a. Log of all soil exploration work, including a description of the various strata encountered;
  - b. Groundwater conditions, including indications of seasonal groundwater fluctuations, such as mottling, and the presence of gray soil coloration as indicated by a soil color with a chroma of two (2) or less (Munsell Color);
  - c. Design data for the system;
  - d. Soil test data derived from soil borings and percolation tests for each proposed site or installation. In accordance with Minnesota Rules 7080.0110, subpart 3, at a minimum four (4) satisfactory soil borings per site shall be made. Borings shall be made by auger or excavation and shall be staked and protected until notification that field evaluation has been completed. If one (1) or more borings encounters unsuitable or limiting conditions, additional borings shall be made in order to outline an adequate area of suitable soil conditions;
  - e. Results of at least two (2) soil percolation tests per site performed according to Minnesota Rules 7080.0110, subpart 4 and including:
    1. Within the outlined area, a minimum of two (2) percolation tests,

evenly spaced, shall be made. Where soil conditions vary within the tested area, one (1) additional percolation test shall be made in each soil type. Fill soils may require more than one (1) additional percolation test;

2. Percolation rates shall be determined for each test hole and recorded on worksheets showing all measurements and calculations.

- (10) No building permit shall be issued for the construction, alteration, expansion or remodeling of any dwelling or other establishment served by an individual sewage treatment system until the permit required for the treatment system has been issued. Occupancy shall be prohibited until a final inspection of the system has been conducted. Whenever the addition of bedrooms or plumbing fixtures, or a change in the character or intensity of the established use is proposed, the existing sewage treatment system shall be reviewed and evaluated as to its ability to accommodate increased flows. The property owner shall be responsible for the replacement, repair, alteration or expansion of the existing system or any portion thereof necessary to properly treat and dispose of the increased sewage input from the building.

(d) *Site evaluation.* An evaluation of the site's suitability for an individual sewage treatment system according to the evaluation factors provided in Minnesota Rules 7080.0110, subpart 1 shall be made by an individual or firm certified by the MPCA as a site evaluator.

(e) *Lot size.* In addition to the area needed for all existing and expected improvements, the lot shall have an adequate area of soil suitable for the installation of two (2) individual sewage treatment systems, in the event that the primary system fails and a replacement system must be installed. The second drainfield site shall be preserved for this purpose.

(f) *Indemnity agreement.* In consideration of the city permitting the installation or replacement of individual sewage treatment systems in lieu of

being required to connect the property to an available public sewage system, permits shall be conditioned upon the applicant providing a written agreement to hold harmless, indemnify, protect and defend the city, its officers, employees and agents, including the payment of reasonable attorney's fees, from any and all claims that arise or may arise from the operation or existence of the individual sewage treatment system, including claims alleging that inadequately treated sewage was allowed to seep or flow to the surface of the ground or into surface or ground waters.  
(Ord. No. 17888, § 1, 11-21-91)

#### **Sec. 50.06. Building official's responsibility.**

The building official shall be responsible for administration and enforcement of the design, construction and installation provisions of this chapter, including, but not limited to, reviewing and evaluating technical matters relating to system design and installation, and providing technical assistance and educational information to owners of individual sewage treatment systems. The building official or his/her agency shall be qualified and certified by the MPCA as competent in the inspection of individual sewage treatment systems. The building official shall have the power to issue orders to:

- (1) Suspend or revoke permits or stop action upon information indicating that the permit was issued in error or on the basis of incorrect or inadequate information, or that work is not being performed in compliance with the requirements of this chapter.
- (2) Require the correction of new or existing systems where, following inspection and evaluation, a system is determined to be defective.

(Ord. No. 17888, § 1, 11-21-91)

#### **Sec. 50.07. Division of public health responsibility.**

(a) The division of public health shall be responsible for the administration and enforcement of the maintenance provisions of this chapter, including, but not limited to, notifying the owners of individual sewage treatment systems of annual inspection dates, monitoring the results of annual

maintenance inspections, ensuring that pumping is performed as necessary, keeping on file annual inspection reports for each individual sewage treatment system, investigating complaints and ordering corrective action necessary to protect the health, safety and welfare of the community.

(b) The division of public health shall have the power to:

- (1) Require property owners to cease and desist from the use of an individual sewage treatment system operating in a manner creating a hazard to the public health, safety or welfare; and
- (2) Condemn a dwelling as unfit for human habitation where the improper functioning or failure of an individual sewage treatment system constitutes a hazard to the public health, safety or welfare of the occupants of the dwelling. Such action shall be in compliance with the provisions of Chapter 34.

(Ord. No. 17888, § 1, 11-21-91)

**Sec. 50.08. Location in general.**

Individual sewage treatment systems and each component thereof shall be located and installed to ensure that, with proper maintenance, the system will function in a sanitary manner, will not create a nuisance and will not contaminate any domestic water supply well. Location shall consider lot size and configuration, proposed structures and other improvements, topography, surface drainage, soil conditions, depth to groundwater, geology, existing and proposed water supply wells, accessibility for maintenance, expansion or replacement of the system, and setbacks as required in Table IV of this chapter. Installation of systems in low swampy areas or drainage swales is prohibited. Systems may be located in the floodplain as long as they are set back from the normal high water mark in accordance with Table IV of this chapter. Systems shall not be located within utility or drainage easements or within dedicated public or private rights-of-way.

(Ord. No. 17888, § 1, 11-21-91)

**Sec. 50.09. Construction and materials.**

(a) *Generally.* The design, construction and location of and the materials permitted for use in

building sewers shall be regulated by the Minnesota State Building Code, which incorporates by reference portions of the Minnesota Plumbing Code, and by specific provisions of the Minnesota Water Well Construction Code.

(b) *Meter.* A water meter to measure flow to the soil treatment system shall be provided with all individual sewage treatment systems installed after the effective date of this chapter.

(c) *Sewage tanks.* All sewage tanks, including septic and aerobic, shall be designed, constructed and shall conform with Minnesota Rules 7080.0130.

(d) *Capacity of septic tanks:*

- (1) The liquid capacity of a septic tank serving a dwelling shall be based on the number of bedrooms provided or contemplated in the dwelling served and shall be at least as large as the capacities given below:

<i>Number of Bedrooms</i>	<i>Tank Liquid Capacities (Gallons)</i>
2 or less	1,000
3 or 4	1,200
5 or 6	1,500
7-9	2,000

For ten (10) or more bedrooms, the septic tank shall be sized as in other establishments. For multiple-family dwellings containing two (2) or more dwelling units, the size shall be the sum of the individual dwelling unit requirements.

- (2) If a garbage disposal unit is installed in a residence or other establishment at any time, septic tank capacity shall be at least fifty (50) percent greater than that required in item (1) above. Either multiple compartments or multiple tanks must be provided.

(e) *Location of septic tanks.* Septic tanks shall be located as required in Minnesota Rules 7080.0130, subpart 4, and may be placed in the floodplain as long as they are set back from the ordinary high water mark in accordance with Table IV of this chapter.

(f) *Maintenance of new and existing septic tanks.* Septic tanks shall be maintained as required in Minnesota Rules 7080.0130, subpart 5, and as follows:

- (1) Each newly installed septic tank and existing septic tank shall be maintained in proper operating condition at all times.
- (2) The owner of each septic tank shall be responsible for an annual maintenance inspection of the tank, as required in section 50.12(c) of this chapter. Verification of the inspection and a full reporting of the results of the inspection shall be submitted to the division of public health.
- (3) Pumping for the removal of septage shall be performed only by persons or firms certified by the MPCA as pumpers.
- (4) Disposal of septage shall be only at approved disposal sites or facilities. Dumping or spreading of septage on the surface of the ground is prohibited except where surface disposal sites have been specifically approved and permitted by the appropriate governmental unit.
- (5) The division of public health shall maintain appropriate records of septage pumping and disposal activities and shall require such reporting by owners as is reasonable and necessary to ensure that adequate maintenance and disposal is being accomplished.
- (6) In any instance where it is determined that maintenance practices or procedures are inadequate or improper, the division of public health shall require the owner to comply with the provisions of this chapter.

(Ord. No. 17888, § 1, 11-21-91)

**Sec. 50.10. Final treatment and disposal.**

Final treatment and disposal of all sewage tank effluent shall be by means of a standard soil treatment and disposal system, except in those cases where use of an alternative system is required. System sizing, location, design and construction shall comply with the following requirements:

- (a) *System sizing.* System sizing shall be as provided in Minnesota Rules 7080.0170.

Sewage flow shall be estimated based on Class I dwellings, as required in Table II of Minnesota Rules 7080.0170 subpart 2.A.

- (b) *System location.* System location shall be as required in Minnesota Rules 7080.0170, subpart 2.B. in accordance with the following table:

Table IV  
Minimum setback distances (feet)

Feature	Sewage tank	Soil treatment area
Water supply well less than fifty (50) feet deep and not encountering at least ten (10) feet of impervious material	100	100
Any other water supply well or buried water suction pipe	75	75
Buried pipe distributing water under pressure	10	10
Buildings	10	20
Property lines	10	10
Established River Corridor bluff lines	40	40
The ordinary high water mark of:		
Recreation Development Lakes and Streams	75	75
Urban and Tributary River Segments	50	50
Wetlands (1 acre or larger)	50	50

In the floodplain soil treatment areas shall be set back from the normal high water mark in accordance with the above Table IV.

- (c) *System design and construction.* System design and construction shall be as required in Minnesota Rules 7080.0170, subpart 2.C., and as follows:

- (1) In soils having percolation rates of fifteen (15) minutes per inch or faster, the bottom of the filter material shall be at least four (4) feet above the water table or bedrock.

- (2) In soils having percolation rates of sixteen (16) minutes per inch through sixty (60) minutes per inch, the bottom of the filter material shall be at least three (3) feet above the water table or bedrock.
- (3) Excavation equipment or other vehicles shall not be driven on the soil treatment area.

(Ord. No. 17888, § 1, 11-21-91)

#### Sec. 50.11. Alternative systems.

(a) *Generally:* Extreme caution and careful planning shall be employed for the design, location, installation, use and maintenance of alternative sewage treatment systems wherever limiting characteristics exist, including, but not limited to, proximity to water table or bedrock and rapidly or slowly permeable soils. Alternative systems shall also include those installed into or on filled or disturbed areas. In no case are privies, seepage pits, or cesspools allowed. Holding tanks shall be allowed only when necessary to replace an existing system; they shall not be allowed as the original system for a new dwelling unit. In general, alternative systems or sewage treatment and disposal shall comply with the conditions found in Minnesota Rules 7080.0180.

(Ord. No. 17888, § 1, 11-21-91)

#### Sec. 50.12. Operation and maintenance.

(a) *General requirements:*

- (1) Each individual sewage treatment system existing as of the date of adoption of this chapter, as well as those installed under this chapter, shall be operated and maintained according to the provisions of this section.
- (2) Responsibility for the proper operation and maintenance of individual sewage treatment systems shall be as follows:
  - a. The owner of each dwelling unit or other establishment served by an individual sewage treatment system shall be responsible for the adequate and proper functioning and maintenance of the system. It shall be the owner's re-

sponsibility to show that the individual sewage treatment system is in conformance with all requirements of this chapter, and that the system properly treats and disposes of all sewage input from an occupied building.

- b. The division of public health shall investigate complaints and order corrective action to protect the health, safety and welfare of the community in the event that the responsible owner is negligent or fails to take action as required by this chapter.
- (3) It shall be unlawful for an owner or occupant to allow inadequately treated sewage to seep or flow to the surface of the ground or into surface or groundwaters or to allow an overflow. Any system so performing shall be pumped immediately by an individual or firm certified by the MPCA as a pumper and as often thereafter as necessary until satisfactory repairs have been made. Any costs related to pumping and subsequent repairs shall be borne by the property owner.
  - (b) *Installation inspection:*
    - (1) Installation inspections shall be performed by the building official at each installation, prior to any work having been covered by backfill.
    - (2) The owner shall notify the building official at least 24-hours prior to the time work is ready for inspection or reinspection.
    - (3) Work that is backfilled prior to required inspection may be ordered to be uncovered whenever necessary to determine compliance.
    - (4) When, upon inspection, any part of the system is determined not be in compliance with this chapter, written notice shall be provided by the building official indicating the deficiency and any required corrections.
    - (5) Noted deficiencies shall be properly corrected and reinspected before work on the project is continued.

- (6) No individual sewage treatment system shall be placed or replaced in service until final inspection and approval of the installation.
- (7) Fees for inspections or reinspections shall be as set by council resolution.
- (c) *Maintenance inspections:*
- (1) A maintenance inspection shall be performed annually by an individual or firm certified by the MPCA to provide inspection and maintenance services. Such inspection shall include, but shall not be limited to:
- Measurement of accumulated sludge and scum in the septic tank.
  - Inspection of effluent levels in soil treatment systems provided with inspection wells.
  - Inspection of pumps and pump stations when included as part of the system.
  - Inspection of distribution devices and drop boxes.
  - A description of any repairs or alterations made to the system since the last annual inspection.
- (2) The owner or occupant of the property shall provide access at reasonable times for the purpose of performing an inspection as required under this chapter.
- (3) Within thirty (30) days of the annual inspection, the owner shall submit in writing a report to the division of public health, including a determination of the conformance of the system with the requirements of this chapter. The report shall be on forms provided by the division of public health and shall be accompanied by such fee as may be prescribed by the city council. Upon receipt of a complete inspection report and fee, the division of public health shall send a certificate, to be in effect for one (1) year, to the property owner verifying that the system conforms to the requirements of this chapter.
- (d) *Pumping:*
- (1) Whenever inspection of the septic tank discloses that the accumulated sludge in the bottom of the tank has reached a point twelve (12) inches or less from the bottom of the outlet baffle device, or that the bottom of the floating scum layer is less than three (3) inches above the bottom of the outlet baffle device, the owner shall have the tank promptly pumped to remove all accumulated septage. If a conforming septic tank serving a dwelling is regularly pumped on an annual basis, the requirement for an annual inspection of sludge and scum accumulation shall be waived. Pumping shall be performed by an individual or firm certified by the MPCA as a pumper.
- (2) No septic tank shall remain in service without being pumped at least once every three (3) years, whether or not the measurement indicates a sludge buildup. Each existing septic tank shall be pumped at least once within thirty-six (36) months of the effective date of this chapter and thereafter at least once within thirty-six (36) months of each succeeding pumping.
- (3) Whenever inspection of pump stations, distribution devices or drop boxes indicates the accumulation of solids, such devices shall be promptly cleaned.
- (4) Every septic tank pumping shall be reported by the owner to the division of public health on forms provided for that purpose within thirty (30) calendar days of the pumping. The report shall include the owner's name and address, the date of the pumping, the contractor who performed the pumping, the number of gallons removed and the location of sewage disposal.
- (e) *Disposal of septage:* Septage shall be disposed of only by approved means into the metropolitan sewage treatment system. Disposal of septage within the city shall be by means approved by the department of public works.
- (f) *Records and reports:* It shall be the responsibility of the owner to maintain accurate records of maintenance, inspection and pumping, and to report such data annually to the division of public health on forms provided by the city.
- (g) *Inspection:* The building official or division of public health shall have the authority to in-

spect individual sewage treatment systems, following adequate notice, when there is probable cause to believe that a hazard to the public health, safety or welfare exists.

(h) *Owner's failure to maintain, nuisance:* Failure on the part of the owner to inspect, pump and/or maintain the owner's individual sewage treatment system as required by this chapter may constitute a nuisance and may be abated by the city pursuant to the provisions of Chapter 45. (Ord. No. 17888, § 1, 11-21-91)

**Sec. 50.13. Well water testing on lots with individual sewage treatment systems.**

(a) *Testing of water from existing wells:*

- (1) Coliform bacteria and chemical (nitrate) testing of well water shall be conducted for those parcels containing both an individual sewage treatment system and a private water well on the effective date of this chapter. It shall be the responsibility of the property owner to either:
  - a. Submit well water samples, using kits from the division of public health, to the division of public health or testing and analysis; or
  - b. Contract with a laboratory certified by the Minnesota Department of Health for collection, testing and analysis. Testing and analysis shall occur within twelve (12) months of the effective date of this chapter. Test results shall be submitted by the property owner to the division of public health on forms to be provided by the division of public health, along with such fee as may be set by the city council. The division of public health shall then issue a certificate, to be good for two (2) years, to the property owner verifying that the water samples are within the standards set for public health.
- (2) After the initial coliform bacteria and nitrate testing of water from all existing private wells, coliform bacteria and nitrate testing shall be conducted every two (2)

years thereafter as described in subsection (a)(1) above. Within thirty (30) days of the testing, a copy of the test results, on forms to be provided by the division of public health, shall be submitted by the property owner to the division of public health, along with such fee as prescribed by the city council. The division of public health shall then issue a certificate, to be good for two (2) years, to the property owner verifying that the water samples are within the standards set for public health.

(b) *Testing of water from wells installed after the effective date of this chapter.* Coliform bacteria and nitrate testing of water from all private wells installed after the effective date of this chapter shall be conducted every two (2) years from the date of installation as described in subsection (a)(1) above. Within thirty (30) days of the testing, a copy of the test results, on forms to be provided by the division of public health, shall be submitted by the property owner to the division of public health, along with such fee as prescribed by the city council. The division of public health shall issue a certificate, to be good for two (2) years, to the property owner verifying that the water samples are within the standards set for public health.

(c) *Responsibility for testing for EPA's primary pollutants.* Random sample testing of water from private wells for the United States Environmental Protection Agency's primary pollutants shall be conducted by the division of public health. (Ord. No. 17888, § 1, 11-21-91)

**Sec. 50.14. Variances.**

The property code enforcement board of appeals, in accordance with the provisions of Chapter 18, may, with the approval of the city council, modify or revoke any order and may grant an extension of time where the board finds that there is practical difficulty or undue hardship connected with compliance with the provisions of this chapter, or any applicable rules or regulations issued pursuant thereto. In no event shall a variance be granted if to do so would cause a threat to the public health, safety or welfare. Also, no action by the board of appeals shall exempt an owner from

meeting the inspection and reporting requirements  
set forth herein.

(Ord. No. 17888, § 1, 11-21-91)

**Chapters 51–54. Reserved**