

Appendix B: Surface Water Management Plan

This primary purpose of this plan is twofold. First, the Plan serves to further define the goals and policies that the City will follow as it continues to implement a comprehensive surface water management program. These goals and policies have been developed to support and facilitate the City to shape the character and enhance the quality of life as described in the Comprehensive Plan.

Secondly, the Plan serves to meet state and local regulatory requirements. There are two primary programs that establish the regulatory need to update the City's Comprehensive Surface Water Management Plan. First, Minnesota Statutes, Sections 103B.201 to 103B.255 and Minnesota Rule, Chapter 8410 comprise the State's Metropolitan Surface Water Management Program (MSWMP). These Statutes and Rules require the preparation of watershed plans by watershed management organizations (WMOs) and the preparation of local (City) water management plans.

The purposes of the water management programs required by Minnesota Statutes §103B.205 to 103B.255 are to:

- Protect, preserve and use natural surface and groundwater storage and retention systems;
- Minimize public capital expenditures needed to correct flooding and water quality problems;
- Identify and plan for means to effectively protect and improve surface and groundwater quality;
- Establish more uniform local policies and official controls for surface and groundwater management;
- Prevent erosion of soil into surface water systems;
- Promote groundwater recharge;
- Protect and enhance fish and wildlife habitat and water recreational facilities; and
- Secure the other benefits associated with the proper management of surface and groundwater.

A third regulatory program, very much related to the goals, policies and standards of this Plan, is the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit Program for Municipal Separate Storm Sewer Systems (MS4) that is administered in the State by the [Minnesota Pollution Control Agency](#) (MPCA). The goals, policies and standards of this plan were developed to be consistent with the requirements of the City's NPDES MS4 permit and associated Storm Water Pollution Prevention Plan (SWPPP) as well as the respective WMO plans. The implementation program included in this plan and the SWPPP are intended to be a coordinated effort to realize combined efficiencies.

Plan Development

This Plan builds on the previous Plan adopted by the City in 2008. The previous Plan established goals and policies, contained an assessment of issues and called for implementation actions to address those issues. This CSWMP was developed through a process of soliciting input from City Commissions, Council and the public on water resources issues, specific problem areas and potential new topic areas and/or actions that the plan should address. Input was obtained through a series of meetings and providing plan information on the City's stormwater web page. A summary of those efforts follows:

- Environment Commission – 2 meetings
- Public Open House Meeting
- City Council Review and Adoption of the Plan

Sustainability

Falcon Heights is committed to the preservation and enhancement of its environment, and to the principle that each generation of residents must meet the needs of the present without compromising the ability of future residents to meet their own needs. This approach to sustainability is a thread that is woven throughout the City's Comprehensive Plan. Upon adoption of this Comprehensive Surface Water Management Plan (CSWMP) by Council, the CSWMP will become an integral component of the City's Comprehensive Plan. As in the Comprehensive Plan, this CSWMP will serve as a guide towards improving sustainability across all aspects of the City's surface water management program and activities.

Stormwater Management System

The City's storm sewer network and overall conveyance and treatment system is in place. Future changes to the system will primarily involve retrofitting to address flooding problems, to incorporate water quality treatment, or incorporate improvements at the time of redevelopment. This public storm sewer system consists of:

- 8 miles of pipe,
- 425 catch basins, manholes, and outlets,
- 4 ponds,
- 12 special features (underground infiltration, porous pavement, raingardens, etc.)

Water Resources

There are no lakes located within the City of Falcon Heights. Most of the surface water runoff is conveyed into the surrounding cities through existing underground storm sewer pipes.

Watershed Districts

The City of Falcon Heights falls under the jurisdiction of two watershed management agencies. They are the [Rice Creek Watershed District](#) (RCWD), and the [Capitol Region Watershed District](#) (CRWD). These Watershed Districts have jurisdictional authority within the City, and therefore each must review and approve the City’s Plan to ensure consistency with the respective Watershed District Plan.

Goals and Policies

The following table summarizes the goals related to surface water management in the City of Falcon Heights. These goals are a reflection of the City Council’s desire to reach and sustain a high quality of life for the City’s residents.

Goal	Goal Statement
Goal 1 – Flood Protection and Runoff Management	Provide flood protection to the maximum extent practicable for all residents and structures and to protect the integrity of our drainage and detention systems through stormwater management
Goal 2 – Surface Water Protection	Maintain or improve the water quality and ecological integrity of the City’s lakes, ponds, and wetlands.
Goal 3 – Groundwater Protection	Protect the quality and quantity of groundwater through collaboration with local and state agencies managing groundwater resources
Goal 4 – Public Education and Outreach	Promote stewardship and increase awareness of land and water resources through public education and outreach.
Goal 5 – Pollution Prevention and Maintenance	Protect the quality of the City’s water resources through pollution prevention, good housekeeping practices, and routine maintenance.
Goal 6 – Coordination and Collaboration	To simplify and streamline processes and draw upon the expertise and resources of other local, state, and federal agencies in water resources management efforts.
Goal 7 – Sustainability	Achieve the water quality and water resources needs of the City based on the foundation of efficient use of community resources. In this approach both capital costs and long-term operational costs will be considered as well as the overall costs of a given project towards protection and/or improvement of the City water resources.

Issues Assessment

Over the years since the first plan was developed, the City has made significant improvements that reduce the extent of local flooding, provide water quality treatment benefits and improve educational opportunities for its residents. A few of these example projects are highlighted in the Plan.

New water quality issues and concerns are emerging each year, requiring varying levels of effort by the City to address. And, the ongoing maintenance and operation of the storm water system has grown much more complex over the years due to new regulations and a better understanding of what is necessary to keep the stormwater management systems functioning properly. Specific issues addressed in this plan include localized flooding issues, water quality impairments; operation and maintenance; and education, outreach and collaboration.

Implementation Program and Funding

The Implementation Program intended to provide guidance in carrying out the Plan goals and objectives. The Implementation Program and funding section summarizes capital improvement projects, studies and ongoing maintenance, inspection, monitoring and other management activities. This Plan is intended to serve the City for at least the next ten years and many of the program activities will continue at least out to the year 2030.

Except for the activities that are taken from the City NPDES SWPPP, the Implementation Program is not a hard and fast commitment to complete each and every activity in the time frame suggested. Rather, it is a suggested course of action that will help to accomplish the major goals of this plan.

The CSWMP is adopted by reference for the purpose of this Comprehensive Plan. The CSWMP was approved by the Falcon Heights City Council on October 22, 2008.

Official Controls

City staff coordinates with watershed management organizations and other outside agencies in water resource management and conservation efforts. The City defers to the current RCWD and CRWD stormwater management permitting program for projects within the City that are over 1 acre in disturbance. The City requires applicants to provide documentation that they have obtained the necessary permits from the watershed prior to issuing building permits.

Below are two official controls that the City uses to manage the City's water resources:

- Stormwater Utility: The City adopted the Storm Sewer Utility (see City Code 50-65) in 1993 to pay for the maintenance, operation, and improvement of the City's stormwater management system.
- Stormwater Management: City Code Chapter 107 was adopted in 2001 to promote preserve and enhance the natural resources within the City and protect them from adverse effects. This code section regulates stormwater runoff, erosion and sediment control and fertilizer application.

Amendment Process

1.1 Amendment Process

The Comprehensive Surface Water Management Plan is intended to extend approximately through the year 2027. In conjunction with this Plan, the NPDES SWPPP activities will be reviewed and evaluated annually in a public meeting and the permit program itself will be updated as required by the MPCA NPDES permit program. For this plan to remain dynamic, an avenue must be available to implement new information, ideas, methods, standards, management practices, and any other changes which may affect the intent and/or results of this Plan. Amendment proposals can be requested at any time by any person or persons either residing or having business within the City.

1.1.1 Request for Amendments

Any individual can complete a written request for a Plan amendment and submit the request to City staff. The request shall outline the specific items or sections of the Plan requested to be amended, describe the basis and need for the amendment and explain the desired result of the amendment towards improving the management of surface water within the City. Following the initial request, staff may request that additional materials be submitted in order for staff to make a fully-informed decision on the request.

The City may also initiate an amendment to respond to amendment to a local watershed organization plan or following the completion and approval of a TMDL implementation plan.

1.1.2 Staff Review

Following a request for Plan amendments, staff will make a decision as to the completeness and validity of the request. If additional information is needed by staff to determine the validity of the request, staff will generally respond to the requestor within 30-60 days of receiving the request.

Following receipt of sufficient information such that validity of the request can be evaluated, there are three options which are described below:

- a. Reject the amendment. Staff will reject the amendment if the request reduces, or has the potential to reduce, the Plan's ability to achieve the goals and policies of the Plan, or will result in the Plan no longer being consistent with one or more of the watershed district's plans.
- b. Accept the amendment as a minor issue, with minor issues collectively added to the plan at a later date. These changes will generally be clarifications of plan provisions or to incorporate new information available after the adoption of the 2018 Plan. Minor changes will generally be evaluated on the potential of the request to help staff better implement and achieve the goals and policies

the Plan. Minor issues will not result in formal amendments but will be tracked and incorporated formally into the Plan at the time any major changes are approved.

- c. Accept the amendment as a major issue, with major issues requiring an immediate amendment. In acting on an amendment request, staff should recommend to the City Council whether or not a public hearing is warranted. In general, any requests for changes to the goals and policies or the development standards established in the Plan will be considered major amendments.

Staff will make every attempt to respond to the request within 30-60 days of receiving sufficient information from the requestor. The timeframe will allow staff to evaluate the request internally and gather input from the WD/WMOs and other technical resources, as needed. The response will describe the staff recommendation and which of the three categories the request falls into. The response will also outline the schedule for actions, if actions are needed to complete the requested amendment.

1.1.3 Watershed District Approval

All proposed major amendments must be reviewed and approved by the appropriate Watershed Districts prior to final adoption of the amendments. Major amendments would include changes to the goals and policies of the Plan. Staff will review the proposed amendments with the WDs to determine if the change is a major amendment and if determined to be major amendment, then will assess the ability of the requested amendment to maintain consistency with WD plans.

1.1.4 City Council Consideration

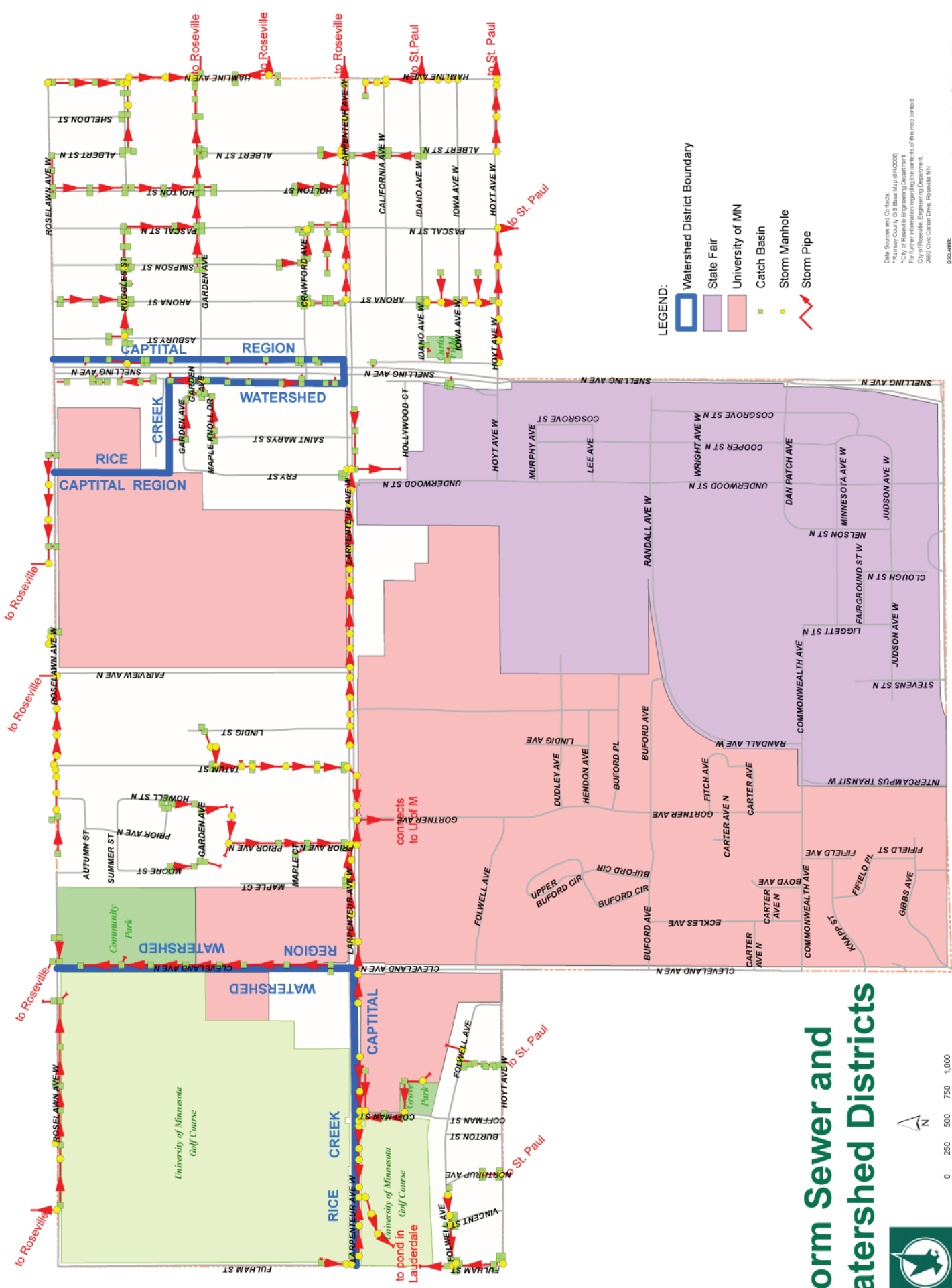
Major amendments and the need for a public hearing will be determined by staff and if identified as a major amendment, the request will be considered at a regular or special City Council meeting. Staff recommendations will be considered before decisions on appropriate action(s) are made. The requestor will be given an opportunity to present the basis for, and intended outcomes of, the request at the public hearing and will be notified of the dates of all official actions relating to the request.

1.1.5 Public Hearing and City Council Action

The initiation of a public hearing will allow for public input or input based on public interest in the requested amendment. City Council, with staff recommendations, will determine when the public hearing should occur in the process. Consistent with other formal City Council actions and based on the public hearing, City Council would adopt the amendment(s), deny the amendment(s) or take other action.

1.1.6 City Council Adoption

Final action on any major amendments, following approval by the Watershed Districts, is Council adoption. Prior to the adoption, an additional public hearing may be held to review the Plan changes and notify the appropriate stakeholders.

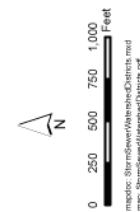


- LEGEND:**
- Watershed District Boundary
 - State Fair
 - University of MN
 - Catch Basin
 - Storm Manhole
 - Storm Pipe

DATE: 08/20/2008
PROJECT: Storm Sewer Watershed Districts
PREPARED BY: Ramsey County GIS Base Map (8/20/2008)
APPROVED BY: City of Roseville Engineering Department
DESIGNED BY: City of Roseville Engineering Department
DRAWN BY: City of Roseville Engineering Department
2008 City of Roseville, Roseville, MN.

DISCLAIMER: The information on this map is for informational purposes only. It is not intended to be used as a legal document. The City of Roseville and its employees are not liable for any damages or losses resulting from the use of this map. The City of Roseville and its employees are not liable for any damages or losses resulting from the use of this map. The City of Roseville and its employees are not liable for any damages or losses resulting from the use of this map.

Storm Sewer and Watershed Districts



Prepared by: City of Roseville Engineering Department
 August 20, 2008

Figure D1

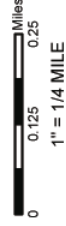


CITY OF
FALCON HEIGHTS

COMPREHENSIVE PLAN

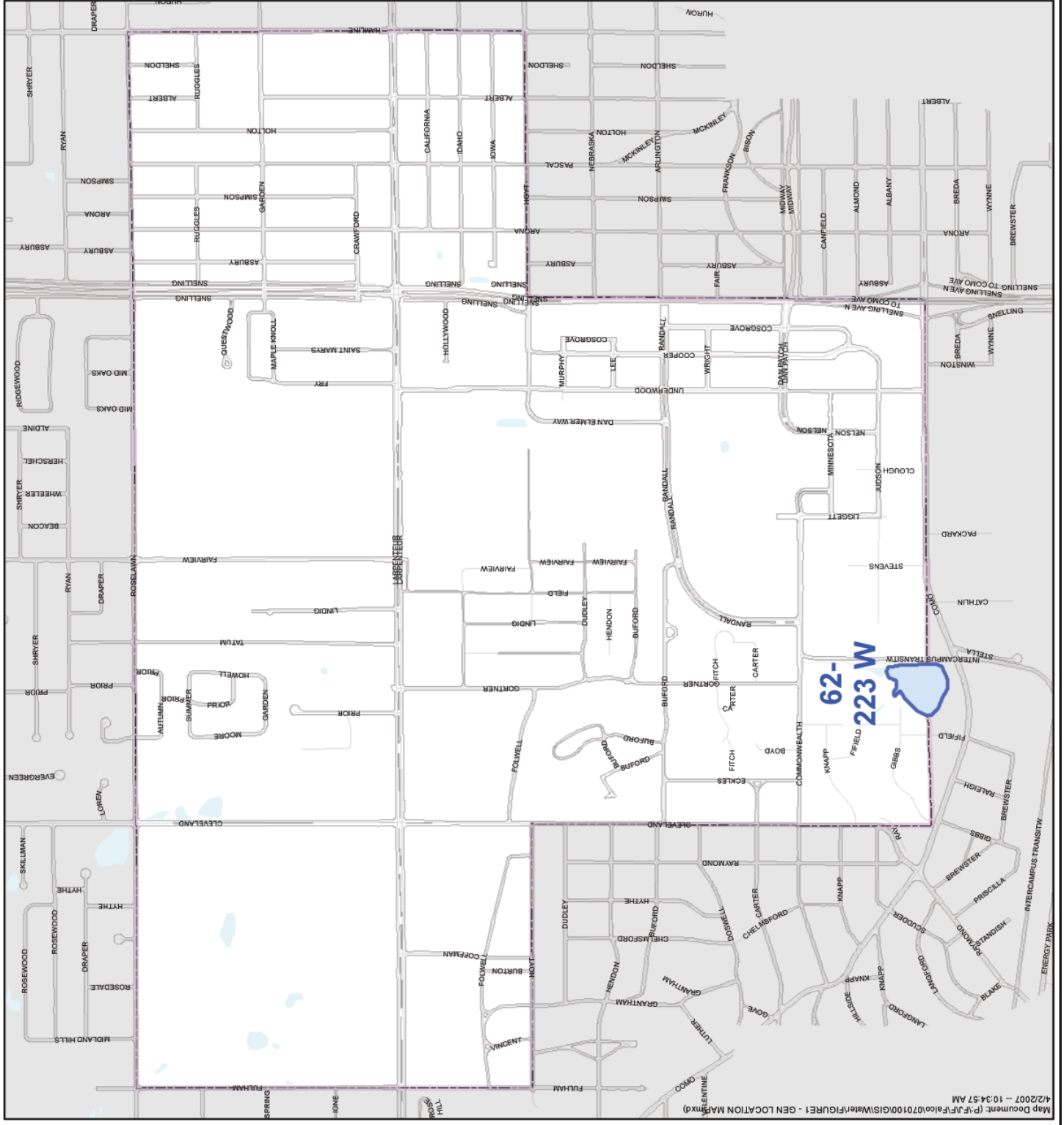
LEGEND

DNR P.W.I.



SURFACE WATER AND
DNR PROTECTED
WATERS INVENTORY

Figure D2



Comprehensive Surface Water Management Plan

March 13, 2018



Comprehensive Surface Water Management Plan

SEH No. ROSEV 138266

March 13, 2018

Short Elliott Hendrickson Inc.
3535 Vadnais Center Drive
St. Paul, MN 55110-5196
651.490.2000

Acknowledgements

- City of Falcon Heights City Council
- City of Falcon Heights Environment Commission
- Rice Creek Watershed District
- Capitol Region Watershed District
- City of Roseville Public Works Department and Engineering Division

Executive Summary

Purpose

This primary purpose of this plan is twofold. First, the Plan serves to further define the goals and policies that the City will follow as it continues to implement a comprehensive surface water management program. These goals and policies have been developed to support and facilitate the City to shape the character and enhance the quality of life as described in the Comprehensive Plan. Secondly, the Plan serves to meet state and local regulatory requirements.

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Executive Summary (Continued)

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Comprehensive Surface Water Management Plan

Prepared for the City of Falcon Heights, MN

1.0 Introduction

The City of Falcon Heights (City) is an established suburban community of approximately 5,300 people (2010 Census) in the northern Minneapolis/St. Paul metropolitan area. The City is located in Ramsey County, Minnesota and is bordered by Roselawn Avenue West to the North, Hamline Avenue to the Northeast, State Highway 51 to the Southeast, Como Avenue to the South, Cleveland Avenue North to the Southwest, and Fulham Street to the Northwest.

Falcon Heights was incorporated as a village in 1949 and as a city in 1973. The community grew rapidly after 1940. Today, the City is an established community and has achieved a stable population. It is expected, therefore, that the focus in the future will be on preservation, restoration and enhancement of natural resources and redevelopment of older parts of the City. The City's stormwater system is complete. At this point, the City's key needs are for managing and maintaining the system, retrofitting where appropriate, and upgrading during redevelopment. This Comprehensive Surface Water Management Plan (CSWMP) will serve as a guide to protect the City's water resources, address current water resource related issues, and manage the surface water system throughout the City as redevelopment occurs.

1.1 Purpose

This primary purpose of this plan is twofold. First, the Plan serves to further define the goals and policies that the City will follow as it continues to implement a comprehensive surface water management program. These goals and policies have been developed to support and facilitate the City to shape the character and enhance the quality of life as described in the Comprehensive Plan. Secondly, the Plan serves to meet state and local regulatory requirements.

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1.2 Plan Development

This plan builds upon the City's previous Comprehensive Surface Water Management Plan (CSWMP) completed in 2008 and formally referred to as a Water Resource Management Plan (WRMP).

This CSWMP was developed through a process of soliciting input from City Commissions, Council and the public on water resources issues, specific problem areas and potential new topic areas and/or actions that the plan should address. Input was obtained through a series of meetings and providing plan information on the City's stormwater web page. A summary of those efforts follows:

- City Council – 1 meeting
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This CSMWP is organized into the following sections:

- Section 1.0 describes the plan purpose, organization and scope as well as sustainability and resiliency within the plan.
- Section 2.0 describes the physical environment including climate, drainage, soils, geology, land use, water resources, and wildlife.
- Section 0 describes the entities responsible for water resource management.
- Section 4.0 describes the City's goals and policies regarding surface water management.
- Section 5.0 describes resolved and ongoing issues.
- Section 6.0 describes the implementation plan and funding program.
- Section 7.0 describes the plan adoption and amendment process.

1.3 Sustainability and Resiliency

Falcon Heights is committed to the preservation and enhancement of its environment, and to the principle that each generation of residents must meet the needs of the present without compromising the ability of future residents to meet their own needs. This approach to *sustainability* is a thread that is woven throughout the City's Comprehensive Plan. The City also recognizes the importance of *resiliency* which in a water resources context is the ability to adapt to climate-related variability and reduce the vulnerability of the community to extreme events. Upon adoption of this Comprehensive Surface Water Management Plan (CSWMP) by Council, the CSWMP will become an integral component of the City's Comprehensive Plan. As in the Comprehensive Plan, this CSWMP will serve as a guide towards improving sustainability and resiliency across all aspects of the City's surface water management program and activities.

This CSWMP includes sustainability and resiliency in three of the Plan sections including this introduction; Section 4.0 Goals and Policies; and Section 6.0 Implementation Program and Funding. These Sections of the Plan provide additional background on what sustainability and resiliency are and how it is a critical part of this Plan and what actions and approaches the City will take, related to its surface water management program, towards being more sustainable and less vulnerable.

2.0 Physical Environment

2.1 Climate and Precipitation

The climate of Falcon Heights consists of fairly short summers with an average temperature of 70 degrees Fahrenheit, and snowfall covers much of the ground from late fall to early spring, with an average winter temperature of 17 degrees F. Average annual precipitation is 28.32 inches, including approximately 46 inches of snowfall. The City is considered to be continental and sub humid. Because of its location near the center of the North American continent the Twin Cities metropolitan area (and Minnesota) experiences a wide variation in climate conditions (e.g., droughts and floods, heat and cold). However, even with these wide variations, climatologists have found four significant climate trends in the Upper Midwest (Minnesota Weather Almanac, Seeley, 2006):

- Warmer winters
- Higher minimum temperatures
- Higher dew points
- Changes in precipitation trends

Estimates for the precipitation depth of a 24-hour duration event for various return frequencies are presented in Table 1. The table presents both the National Weather Service (NWS) historic (TP-40) and updated (Atlas 14) rainfall frequency estimates. The updated Atlas 14 estimates use a longer period of rainfall observations and state-of-the-art statistical methods.

Table 1
Precipitation Event Frequency

Return Frequency	Percent Probability	Historic Precipitation Depth (inches) ¹	Updated Precipitation Depth (inches) ²
1-year	100%	2.4	2.5
2-year	50%	2.8	2.8
5-year	20%	3.6	3.5
10-year	10%	4.2	4.2
25-year	4%	4.8	5.3
50-year	2%	5.3	6.3
100-year	1%	5.9	7.4

Sources:

(1) U.S. Weather Bureau's *Technical Publication No. 40* (Hershfield, 1961)

(2) NOAA Atlas 14, Volume 8 (2013)

In recent years, there has been more debate and discussion around the topic of rainfall depths and the frequency of larger storm events. As described in an issue paper on this topic prepared during the development of the Minnesota Stormwater Manual, precipitation in Minnesota has been rising since the 1930s. This increase is attributed to an increased frequency of heavy to extreme precipitation events (Karl and Knight 1998). The State Climatologist suggests that the amount of precipitation occurring as large events has been increasing in recent decades, and that about 100 years ago that fraction was similar to or even higher than what it is today.

The trends are changing and will likely continue to change. From a stormwater management and resiliency perspective, these changes in precipitation may require larger pipes and best management practices (BMPs) to capture, convey and treat the runoff from more intense events. The City will continue to monitor the outcomes of the changes in design guidance as well as review its standards for design of extreme event overflow areas for new and redevelopment projects.

2.2 Topography and Drainage

The City of Falcon Heights is a highly urbanized area. A significant portion of the City that the City has jurisdiction over is impervious and an extensive series of pipes is in place to collect and to convey stormwater downstream. The University of Minnesota owns a golf course and agricultural land within the City, but the City does not have jurisdiction over these areas.

The City is divided into three large surface water drainage areas; two within the jurisdictional boundaries of Capitol Region Watershed District (CRWD) and one within the jurisdictional boundaries of Rice Creek Watershed District (RCWD). Those within the boundaries of CRWD include the northeast portion of the City discharging to the Como Lake, and the central and western portions of the City discharging towards St. Anthony Park. Drainage within the boundaries of RCWD include a small portion of the north part of the City discharging towards Rice Creek. All drainage ultimately discharge to the Mississippi River.

In order to better understand how the surface-water system works, the CSWMP divides the city's surface water drainage into major sub-watershed areas based on surface drainage features and the storm sewer system. The City's major sub-watershed areas are shown in Figure 5. There are a total of 10 major sub-watersheds within the City, including one

landlocked drainage area surrounding Curtiss Field Pond. Sub-watersheds are described in detail in Section 2.5 of this Plan.

The City's storm sewer network and overall conveyance and treatment system is in place. Future changes to the system will primarily involve retrofitting to address flooding problems, to incorporate water quality treatment, or incorporate improvements at the time of redevelopment. This storm sewer system consists of:

- 8 miles of pipe,
- 425 catch basins, manholes, and outlets,
- 4 ponds,
- 12 special features (underground infiltration, porous pavement, raingardens, etc.)

The citywide storm sewer is displayed in Figure 4 and shows the locations of these facilities and general direction of flow through the system.

2.3 Soils and Geology

A large portion of the landscape is dominated by Urban land-Zimmerman complex (859B) and Urban land-Hayden-Kingsley complex (860C), as identified in the Ramsey County Soil Survey. Figure 2 shows soils within the City. The Natural Resource Conservation Service (NRCS) also classifies soils by the Hydrologic Soil Group (HSG) based on estimates of runoff potential. These are:

- Hydrologic Soil Group A – Low runoff potential – high infiltration rate
- Hydrologic Soil Group B – Moderate infiltration rate
- Hydrologic Soil Group C – Slow infiltration rate
- Hydrologic Soil Group D – High runoff potential – very slow infiltration rate

The surficial geology consists of unconsolidated glacial sediments deposited during the Quaternary geologic period of two glacial ice lobes: the Superior lobe and the Grantsburg sub lobe of the Des Moines lobe. The glacial deposits found in Ramsey County are primarily in the form of outwash, till, and stream and lake sediments ranging in thickness from 10 to 400 feet. Below the unconsolidated glacial sediment lies consolidated bedrock formed during the early Paleozoic age. Bedrock units from youngest to oldest in Falcon Heights include: Decorah Shale, Platteville-Glenwood Formation, St. Peter Sandstone, Prairie Du Chien Group, and Jordan Sandstone. Maps of the surficial geology and bedrock geology are available from the [Ramsey County Geological Atlas](#).

2.4 Land Use and Land Cover

The City of Falcon Heights encompasses an area of 2.28 square miles which today is made up of mixed-land uses including established neighborhoods, parks and open space, State Fair Grounds, and University of Minnesota Campus and Golf Course. The City is nearly completely developed. Due to this, there is no major new development anticipated within the City and no major change to land use anticipated. Figure 6 shows the existing land use within the City. Figure 7 shows the future land use within the City.

The land cover is the characterization of the features covering the ground surface which can be either natural or manmade. The Minnesota Land Cover Classification System (MLCCS) is a vegetation oriented classification system designed to identify natural and cultural land cover types using a standardized methodology. Falcon Heights' land cover map is shown in Figure 8.

2.5 Water Resources
2.5.1 Surface Water

There are no lakes located within the City of Falcon Heights. Most of the surface water runoff is conveyed into the surrounding cities through existing underground storm sewer pipes. There are a few stormwater ponds in the City that also provide water quality and quantity protection. The City has not completed a comprehensive stormwater model for the existing stormwater system.

There is one Minnesota Department of Natural Resources (MNDNR) Protected Waters and Wetland (MNDNR No. 62-223W) within the City as shown in Figure 3.

Although there are no surface waters within the City of Falcon Heights, the City recognizes that surface water does not stop at jurisdictional boundaries. Surface water drainage of the 10 major sub-watersheds within the City are described below:

1. **Walsh Lake (Roseville)**
Community Park, Gibbs Farm, and the University of Minnesota Golf Course are a part of the Walsh Lake sub-watershed. Walsh Lake is located in Roseville, northwest of Falcon Heights at Lake Street and Roselawn Avenue.

A Walsh Lake Management Plan was included in the RCWD Southwest Urban Lake Study. The study identified several potential improvements that would benefit the water quality of Walsh Lake. The City of Falcon Heights will cooperate with the RCWD to implement these improvements within its jurisdiction.
2. **Little Lake Johanna (Roseville)**
The property along Autumn Street and Roselawn Avenue in Falcon Heights drains to a pond located on the southeast corner of County Road C and Fairview and then on to Oasis Pond in within the City of Roseville. Oasis Pond discharges to Little Lake Johanna. Little Lake Johanna is just north of Roseville.

Oasis Pond was studied in the RCWD Southwest Urban Lake Study in 2009 as a potential source of polluted discharge to Little Lake Johanna. The study identified several potential improvements that would benefit the water quality of Little Lake Johanna. The City of Falcon Heights will cooperate with the RCWD to implement these improvements within the jurisdiction.

Little Lake Johanna has been on the impaired waters (303d) list since 2004 and is impaired for aquatic consumption, life and recreation. Little Lake Johanna is part of the Southwest Urban Lakes TMDL Study, completed in 2014. The TMDL Study includes applicable WLAs and goals for Little Lake Johanna. Additionally, a Little Lake Johanna Management Plan was included in the RCWD Southwest Urban Lake Study. The study identified several potential improvements that would benefit the water quality of Little Lake Johanna. The City of Falcon Heights will cooperate with the RCWD to implement these goals and improvements within its jurisdiction.
3. **Zimmerman Lake (Roseville)**
A portion of the University of Minnesota fields, Roselawn, Garden and Snelling Avenues drain to Zimmerman Lake, located North of TH 36 between Snelling Avenue and Hamline Avenue in the City of Roseville.

Zimmerman Lake Management Plan was included in the RCWD Southwest Urban Lake Study. The study identified several potential improvements that would benefit water quality of Zimmerman Lake. The City of Falcon Heights will cooperate with the RCWD to implement these improvements within the jurisdiction.

4. Gottfried Pit (Roseville)

The area of Falcon Heights east of Snelling and along Larpenteur Avenue drains to Gottfried Pit in the City of Roseville. This sub-watershed, located immediately north of Larpenteur Avenue and west of Fernwood Street, is drained by a pumping station south into the Como Lake in St. Paul. This sub-watershed periodically floods Larpenteur Avenue during intense storm events.

In 2003, Capitol Region Watershed completed the Como 7 sub-watershed hydrologic evaluation in preparation for the City of St. Paul street reconstruction project. Gottfried Pit and the Fernwood/ Larpenteur low point were studied as a part of this evaluation. The report recommend a number of improvements to help alleviate flooding, including adding storage to the system in the Como Golf Course, and increasing the stormwater storage volume within the Pit countered by a pump upgrade for a faster draw-down time. In 2007, a pond was added to the Como Golf Course located within the Gottfried Pit sub-watershed to capture stormwater and minimize flooding in surrounding neighborhoods as well as provide a water quality benefit to drainage prior to drainage to Como Lake. Due to an increased frequency of larger rainfall events, lack of vegetation around the pond, and poor soil conditions, the pond had suffered from bank erosion and turf loss on the adjacent fairway. In 2012, the CRWD proposed improvements to address these issues including increased pond size, regrading of the pond's edge, and a continuous native shoreline. These improvements were completed in 2013 and enabled treatment of a larger volume of runoff, shoreline stabilization, deterrence of nuisance wildlife, and the improvement of overall water quality of stormwater before it discharges to Como Lake. In addition, the pumping capabilities of Gottfried's Pit were upgraded in late 2010 allowing for more stormwater to be pumped at a higher rate. The costs for these improvements were shared by Falcon Heights, St. Paul, Ramsey County and Roseville according to the contributing sub-watershed area. The City will coordinate with the CRWD on future projects within this sub-watershed.

5. Como Lake (St. Paul)

A portion of Falcon Heights located west of Hamline, north of Hoyt and east of Arona Street drains to Como Lake. This Lake is located within the City of Saint Paul in Como Park. Como Lake receives runoff from Gottfried Pit as described above.

Como Lake has been on the impaired waters (303d) list since 2002 for aquatic recreation because it exceeds the water quality standard for nutrient from stormwater runoff creating poor water quality conditions leaving to frequent summer algal blooms. A TMDL for Como Lake was completed in April 2010. In 2002, CRWD developed a lake strategic plan that described the water-related issues facing the lake and identified management strategies and implementation activities to address priority areas. The plan serves as a guide for the entities on how to protect and restore the health of Como Lake. Since 2005, the CRWD has monitored flow at the lake outlet. The City will coordinate with the CRWD on future projects within this sub-watershed.

-
6. Curtiss Field Pond (Falcon Heights)
This pond is located within a Curtiss Field park in the City of Falcon Heights. This is a land locked basin that was designed for infiltration.

Curtiss Field Pond was prone to flooding that created public and safety concerns. In 2011, the City in partnership with the CRWD, installed a 390-foot network of 10-foot diameter perforated pipe underneath Curtiss Field. The pipes are fed by overflow from the pond and stormwater is delivered there to percolate into the ground. This system reduces flooding in the park and reduces the risk of damage to surrounding properties. The City will continue to coordinate with the CRWD on future projects within this area.

7. Gasperre Pond (Lauderdale)
Portions of the University of Minnesota Golf Course and the neighborhood in the southwest corner of Falcon Heights drain to Gasperre Pond, located in the southeast corner of Lauderdale. The City will coordinate with Lauderdale on future projects within this area.

8. Seminary Pond (Lauderdale)
Drainage from the southwest area of Falcon Heights drains to Seminary Pond in the southeast corner of Lauderdale. Seminary Pond is listed on the National Wetland Inventory (NWI). The City will coordinate with Lauderdale and the CRWD on future projects within this area.

9. St. Paul Campus (University of Minnesota)
Drainage from University property south of Larpenteur Avenue flows to a DNR protected wetland located in the southeast corner of the campus. The agricultural fields have an extensive drainage tile system which is connected to the University storm sewer system. Piped flow from Falcon Heights crosses Larpenteur Avenue at Gortner Avenue and joins the University storm sewer system at Folwell Avenue.

An agreement was executed in the 1980's between the City of Falcon Heights and the University related to these flows. The pipe system from the northern portion of the campus as described above outlets into the open ditch at Commonwealth Avenue. This open ditch also receives the flow from the Fairgrounds. University staff indicates that a parking lot near this junction is flooded following larger storm events. The University wetland drains into the Saint Anthony Tunnel system.

10. State Fairgrounds (State of Minnesota)
Stormwater drainage from most of the Fairgrounds property flows to the University of Minnesota-St. Paul Campus. The storm sewer system for the exhibit area in the south and east portions of the Fairgrounds discharges to a 42-inch pipe connected to an open ditch on University property at a point south of Commonwealth Avenue and north of Como Avenue. The north and west portions of the Fairgrounds is made up of parking lots and a portion of Machinery Hill, flows to pastureland on University property. A stormwater detention basin south of Larpenteur Avenue receives flow from two large, unpaved Fairgrounds parking lots and a portion of Larpenteur Avenue.

As part of reconstruction of a section of Larpenteur Avenue in 1998, roadside ditches were replaced by a piped outlet to the Fairgrounds basin. During the project, additional basin excavation was completed. Pond size and outlet characteristics are available from Ramsey County Public Works. The flow from Larpenteur drains a

total of 123 acres, which also includes runoff from the University agricultural fields north of Larpenteur and east of Fairview as well as other city runoff. Outflow from the basin enters a ditch to the University Animal Science pastureland. Water infiltrates in the pastureland over time. Very high water conditions (not reported by Fairgrounds staff) would result in surface runoff down Randall Avenue to the ditch south of Commonwealth referenced above.

At the request of the MPCA, the Fairgrounds initiated a multi-year combined sewer separation program in 1995. All of the animal exhibit buildings were separated early in the program. The sewer separation program was completed in 2002. Two additional areas have been identified since 2002 and completed in 2007.

2.5.2 Floodplains

Areas of Falcon Heights prone to larger regional flooding near surface water sources have been identified and mapped by the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program (NFIP). Flood Insurance Rate Maps (FIRMs) for the City of Falcon Heights were published on June 4th, 2010. Floodplain regulations are available in [City Code Chapter 113, Article VIII. - Floodplain Regulations](#).

2.5.3 Groundwater

Falcon Heights is served by the St. Paul Regional Water Services (SPRWS) which supplies drinking water to the City of St. Paul and neighboring communities. The St. Paul Regional Water Service is supplied primarily by surface water from the Mississippi River, but approximately 7% of all the water they provide is groundwater. In Ramsey County, both porous unconsolidated sand and gravel glacial deposits and fractured, weathered limestone or sandstone bedrock formations act as aquifers. The primary public drinking water aquifer is the Prairie du Chien-Jordan (Ramsey County Groundwater Protection Plan, 2009). In order to protect groundwater aquifers and public drinking water sources, the Minnesota Department of Health (MDH) delineates [Source Water Protection Areas](#). Because drinking water in the City is provided by the St. Paul Regional Water Service and the City does not own any public water supply wells, the City has not prepared a Wellhead Protection Plan. The MDH also maintains a database of known existing and abandoned wells available online through the [Minnesota Well Index](#).

2.5.4 Pollution Sources

Information on individual pollutant sources is available from the [MPCA's "What's In My Neighborhood?" \(WIMN\) online tool](#). This detailed information has not been included here as it is subject to frequent change and may be obtained by calling the MPCA or by visiting the [MPCA's website](#) which has information on various pollutant sources and related regulatory programs. The MPCA WIMN tool identified the following types of sites within the City:

- Air Permit
- Feedlots
- Hazardous Waste, Large Quantity Generator
- Hazardous Waste, Small to Minimal Quantity Generators
- Site Assessment Sites
- Voluntary Investigation and & Cleanup (VIC) Sites
- Leak Sites

-
- Petroleum Brownfield
 - Tank Sites
 - Construction Stormwater Permits
 - Industrial Stormwater Permit

Besides the aforementioned individual pollutant sources, non-point source pollution also plays a significant role in water quality. This cannot be traced to a single source but is a pollutant load that is attributed to the surface runoff from a watershed which contributes to a surface water or groundwater source. Further information on non-point source pollution can be found in Sections 4.2 and 4.5.

2.6 Parks and Recreation

The City aims to provide quality parks and recreation programs to promote healthy and active lifestyles to benefit residents and foster a sense of community. In 2014, the City completed a parks improvement study to provide framework to guide future planning, design, and implementation efforts by the City.

3.0 Water Resource Management

This section of the CSWMP presents a synopsis of the current organizational entities whose programs and regulations are relevant to the management of water resources within Falcon Heights. The City is committed to the preservation and enhancement of its water resources through full compliance with local, state, and federal regulations.

3.1 County, State and Federal Agencies

There are numerous County, State, and Federal agencies which play a role in managing water resources within the City. Among them are:

- [Federal Emergency Management Agency](#) – the Federal Emergency Management Agency (FEMA) operates the National Flood Insurance Program (NFIP). To participate in the NFIP and receive federally backed flood insurance, communities must adopt and enforce floodplain management ordinances to reduce future flood damage.
- [Metropolitan Council](#) – the Metropolitan Council is responsible for monitoring the metro area surface water quality, leading watershed planning through the authority provided by state law to review and comment on metro area watershed management organization (WMO) or watershed district (WD) plans and local water resources plans as part of local comprehensive plans, and collecting and treating wastewater for the Twin Cities metro area.
- [Minnesota Board of Water and Soil Resources](#) – the Minnesota Board of Water and Soil Resources (BWSR) relevant core functions include water resource planning with comprehensive land use planning, implementing the comprehensive local water management acts, and administering the Wetland Conservation Act.
- [Minnesota Department of Health](#) – the Minnesota Department of Health (MDH) is responsible for operating the state’s drinking water protection program and implementing the federal Safe Drinking Water Act (SDWA) in Minnesota. The MDH produces source water assessments and drinking water supply management areas as well as aid in the development of local wellhead protection plans.
- [Minnesota Department of Natural Resources](#) – the Minnesota Department of Natural Resources (DNR) is responsible for protecting public waters and managing water supply. It regulates activities below the ordinary high water level (OHW) of public waters and

public waters wetlands through public water works permits. It also oversees and administers the National Flood Insurance Program (NFIP) for the State of Minnesota.

- [Minnesota Department of Transportation](#) – the Minnesota Department of Transportation (MnDOT) Metro district is a designated MS4 and is responsible for stormwater pollution prevention within MnDOT right-of-way which included but is not limited to implementing proper erosion and sediment controls on construction sites, street sweeping practices, and analyzing low environmental impact de-icing measures. MnDOT also publishes standard specifications for construction related to erosion prevention and sediment control which many entities utilize.
- [Minnesota Pollution Control Agency](#) – the Minnesota Pollution Control Agency (MPCA) is charged with administering the federal Clean Water Act (CWA) in Minnesota. Functions relevant to this CSWMP include regulating stormwater through the National Pollutant Discharge Elimination System (NPDES) permits (MS4, Industrial, and Construction), monitoring and assessing water quality, listing impaired waters, and conducting total maximum daily load studies/reports (TMDLs).
- [Ramsey County](#) - The County Public Works Department monitors water quality in several lakes within the City each summer: Bennett, McCarrons, Owasso and Josephine and completes macrophyte surveys on each lake as part of the monitoring program on a 5- year cycle.. The County Public Works Department also monitors beach water quality at the County beaches on McCarrons, Owasso and Josephine. The County also operates and maintains Gottfried Pit through a cooperative agreement with Roseville and Falcon Heights.
- [United States Army Corps of Engineers](#) – the U.S. Army Corps of Engineers permits all work in, over, or under navigable waters of the US under Section 10 of the federal Rivers and Harbors Act. Under Section 404 of the federal CWA, a Corps permit is also required for the discharge of dredged or fill material into waters of the U.S.
- [United States Environmental Protection Agency](#) – the U.S. Environmental Protection Agency (EPA) enforces the federal CWA and SDWA, provides support for municipal wastewater treatment plants, and takes part in pollution prevention efforts aimed at protecting watersheds and sources of drinking water.

3.2 Watershed Districts

The City of Falcon Heights is located within the jurisdictional boundaries of two watershed management organizations: The Rice Creek Watershed District (RCWD), and the Capitol Region Watershed District (CRWD). See Figure 1 for the boundaries of these watershed districts. These agencies each have authority for review and approval of this local surface water management plan.

1. Rice Creek Watershed District (RCWD)

The Rice Creek Watershed District encompasses approximately 185 square miles of Anoka, Hennepin, Ramsey and Washington counties in Minnesota. Portions of the district can be found in the following municipalities: Arden Hills, Birchwood Village, Blaine, Centerville, Circle Pines, Columbia Heights, Columbus, Dellwood, Falcon Heights, Forest Lake, Fridley, Grant, Hugo, Lauderdale, Lexington, Lino Lakes, Mahtomedi, May Township, Mounds View, New Brighton, Scandia, Roseville, Shoreview, Spring Lake Park, Saint Anthony, White Bear Lake, White Bear Township, and Willernie.

The current RCWD Watershed Management Plan was adopted in January 2010 and amended in November 2016. The City defers to the current RCWD stormwater management permitting program for all areas that are within the jurisdiction of the RCWD. The City requires applicants to provide documentation that they have obtained the necessary permits from the watershed.

2. Capitol Region Watershed District (CRWD)

Established in 1998, the Capitol Region Watershed District covers 40 square miles and includes portions of Falcon Heights, Lauderdale, Maplewood, Roseville, and St. Paul. The District is located within Ramsey County and has a population of 245,000 people. The Mississippi River is the predominant water resource to which the entire district drains. Como Lake, Crosby Lake, Loeb Lake, and Lake McCarrons are also located within the District.

The current CRWD Watershed Management Plan was adopted in September 2010 and reviewed in December 2015. The City defers to the current CRWD stormwater management permitting program for all areas that are within the jurisdiction of the CRWD. The City requires applicants to provide documentation that they have obtained the necessary permits from the watershed.

3.3 City of Falcon Heights

Residential streets, sanitary and storm sewers, stormwater facilities, and park lands within Falcon Heights are maintained by the City. Drinking water within the City of Falcon Heights is supplied by St. Paul Regional Water Services. Wastewater is collected in the city sewer system and discharged to Metropolitan Council's collection system. City staff coordinates with watershed management organizations and other outside agencies in water resource management and conservation efforts. One of the primary means for the City to manage surface water is through this plan which is legally enforceable through city ordinances and standards. City code chapters and sections relevant to surface water management have been included in Appendix B. In addition to City ordinances, Falcon Heights enforces stormwater design standards through development review, building permits and erosion control permits. Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a stormwater management plan to the city administrator. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the stormwater management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this ordinance.

Enforcement of the City's ordinances and standards goes hand-in-hand with compliance with local, state, and federal regulations. Closely related to surface water management is the NPDES MS4 permit program. As of March 2003, all cities in the Twin Cities metropolitan area are permittees under the NPDES Phase II MS4 Storm Water permit and must therefore meet certain requirements related to stormwater pollution control. The six minimum control measures and associated BMPs of the NPDES MS4 program are included in the City's Storm Water Pollution Prevention Plan (SWPPP) found in C.

3.4 Water Resources Management Agreements

Storm sewer maintenance agreements are in-place between the City and both MnDOT and Ramsey County.

The agreement with MnDOT is for the Snelling Avenue reconstruction project through Falcon Heights, and states that the City is responsible for storm sewer facilities located outside the Snelling Avenue rights-of-way. The City is therefore only responsible under this agreement for the Snelling Avenue East and West Frontage Road storm sewer systems and their connections to the Snelling Avenue trunk line.

The agreement with Ramsey County states that the County shall own and maintain the storm sewer catch basins and leads on its County roads and the City shall own and maintain the storm sewer trunk lines within the City. Laterals and drains servicing property within the City outside the County road right-of-way shall also be owned and maintained by the City.

All storm sewers that have been constructed by the City of Falcon Heights are the City's maintenance responsibility. Private systems also exist throughout the City which connect into the City owned and maintained storm sewer systems. These private systems and their corresponding connections are owned and maintained privately and are not the responsibility of the City of Falcon Heights.

4.0 Goals and Policies

To support a high quality of life for the City's residents, protect the City's water resources, and promote sustainability and resiliency, the City has developed the following goals and policies.

A **goal** is the specific end point which is desired and **policies** are guiding principles which altogether form a strategy to attain the goals. Plan standards (or stormwater development criteria) are an extension of the goals and policies that provide detailed criteria on storm water management practices. This section of the CSWMP outlines goals and policies related specifically to surface water management in the City of Falcon Heights.

4.1 Flood Protection and Runoff Management

Development and the related changes in land use can increase runoff rates and volumes due to additional impervious surface. As areas develop or redevelop at a higher density, storm water runoff generally increases. In addition, and as discussed briefly in Section 2.1, changes in the characteristics of rainfall events are trending toward more intense rainfall and greater depth storms and the NWS is in the process of updating precipitation frequency estimates. Whatever the cause of more intense and greater depth storms, this increase in runoff rates and volumes can result in localized and/or large scale flooding issues in the downstream system. It is important to manage these increased runoff rates and volumes in order to strive to reduce flooding in the downstream system and to control the potential effects of erosive flows on streams and waterways.

As an established community with a developed environment, Falcon Heights has dealt with flooding issues as a result of development altering the natural hydrology and infiltration characteristics of the land. These resolved and ongoing issues are further elaborated upon in Section 5.0.

The City of Falcon Heights has policies and standards that require volume reduction and rate control for new and redevelopment projects. The City has also adopted a floodplain ordinance, and has adopted policies that regulate minimum building elevations that comply with Minnesota DNR recommendations for a 1' minimum freeboard between a structures lowest floor and the 100-yr flood level. Freeboard is the vertical distance above a certain level (often the 100-yr flood level) which provides a factor of safety to compensate for unknown factors such as ice jams or debris clogging culverts. The City has developed the flood protection and runoff management policies listed in Table 2 to support the flood protection and runoff management goals of this Plan. Additionally, watershed districts have policies and standards related to flood protection and runoff management. The City requests RCWD to continue implementing its regulations and issuing permits within its jurisdiction in the City.

**Table 2
Goal 1 – Flood Protection and Runoff Management**

Goal Statement: Provide flood protection to the maximum extent practicable for all residents and structures and to protect the integrity of our drainage and detention systems through runoff management.	
Policy No.	Goal 1: Flood Protection and Runoff Management – Policies⁽¹⁾
1	The City shall review every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities. A stormwater management plan must be submitted to the city administrator.
2	The City shall require volume reduction for development and redevelopment projects in accordance with City Code Chapter 107 and watershed district rules.

3	For development and redevelopment projects affecting on-going issue areas, the City shall require developers to incorporate practices to resolve a proportionate share of the problem through a reduction based on existing runoff volumes in accordance with watershed district rules.
4	The City shall require structure freeboard elevations in accordance with watershed district rules.
5	The City shall enforce its Floodplain regulations (City Code Chapter 113, Article VIII. - Floodplain Regulations) which are designed to minimize flood losses and requires no net loss of storage volume in accordance with watershed district rules.
6	For newly constructed stormwater retention ponds, the City shall require an emergency overflow spillway to safely convey flows in excess of the 200-year (0.5% probability) event to the maximum extent practicable in accordance with watershed district rules
7	The City encourages reduction of, or minimizing increases in, the amount of impervious surface created as a result of land development or redevelopment activities through City Code, development review processes, and a stormwater utility fee.
8	The City shall cooperate and collaborate with adjacent municipalities and watershed districts to address intercommunity drainage issues.
9	The City shall seek to enhance or maintain existing drainage facilities in a sustainable manner taking into consideration available personnel, financial resources and system resiliency.
10	The City staff shall provide technical assistance as requested to aid in public understanding and interpretation of local flood protection and runoff management requirements

⁽¹⁾It is requested that Rice Creek Watershed district continues to implement its regulations and issue permits within the City.

4.2 Surface Water Protection

The City of Falcon Heights seeks to maintain and improve the water quality in its receiving water bodies. Water quality is often directly related to the water clarity (suspended solids) and level of available nutrients in a water body. While nutrients comprise only one category of substances that can affect water quality, nutrients (principally phosphorous) must be controlled to achieve the water quality goals of this Plan. Phosphorous is most often the limiting factor for plant growth, and increases in available phosphorous allow plant species to dominate the lakes, ponds and wetlands.

Many people do not realize that when organic materials, like leaves, grass clippings, fertilizer and pet waste, enter a waterbody, they can disrupt the ecosystem. Once in the water these organic materials decay, releasing phosphorus. Excess phosphorus increases algae growth, inhibiting the growth of other aquatic plants. When algae die and decay, they exert a biological oxygen demand on the lake, depleting available oxygen for fish and other aquatic species. Limiting nutrient loading to surface waters is one of the keys to maintaining and improving water quality.

There are several activities that can be followed to minimize the delivery of suspended solids and phosphorus into the City’s receiving water bodies. These activities include better management of construction site erosion control measures, reducing the level of impervious cover, reducing the extent of managed lawn areas and replacing them with native vegetation, reducing bank erosion, and requiring more infiltration and volume control best management practices for storm water treatment. Residents can also do their part by keeping grass clippings, fertilizer and pet waste out of the streets where it has a direct route into the storm sewer systems and ultimately into lakes, ponds, and wetlands.

Any water resource on property to be developed will be subject to these management policies, as well as the rules and requirements of the Wetland Conservation Act, the City and the watershed management organizations.

**Table 3
Goal 2 – Surface Water Protection**

Goal Statement: Maintain or improve the water quality and ecological integrity of the City’s lakes, ponds, and wetlands.	
Policy No.	Goal 2: Surface Water Protection - Policies
1	The City shall review every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities. A stormwater management plan must be submitted to the city administrator.
2	The City shall require stormwater treatment in accordance with watershed district rules.
3	The City delegates administration of the Wetland Conservation Act (WCA) to the Watershed Districts which will act as the Local Government Units (LGUs) for enforcing the regulations of WCA. The City shall be informed of and provide informal review of all wetland impacts within the City.
4	The City shall cooperate and collaborate with the MPCA and local agencies in conducting and implementing TMDL projects for impaired waters within and downstream of the City.

4.3 Groundwater Protection

Unlike surface water resources, which can be managed within well-defined and limited physical boundaries, groundwater is a natural resource feature of large geographic areas. For this reason, groundwater must be managed by a local government agency that has authority outside of the City’s jurisdiction. In Ramsey County, the Ramsey Conservation District has been delegated the responsibility to write and administer the Ramsey County Groundwater Protection Plan. Because drinking water in the City is provided by the St. Paul Regional Water Service and the City does not own any public water supply wells, the City has not prepared a Wellhead Protection Plan.

Table 4
Goal 3 – Groundwater Protection

Goal Statement: Protect the quality and quantity of groundwater through collaboration with local and state agencies managing groundwater resources.	
Policy No.	Goal 3: Groundwater Protection – Policies
1	The City will follow the Minnesota Department of Health’s (MDOH) guidance on evaluation of stormwater infiltration projects in vulnerable wellhead protection areas (WHPAs) and drinking water source management areas (DWSMAs) to determine if infiltration practices are appropriate.
2	The City acknowledges the potential for stormwater infiltration practices to mobilize soil contaminants and shall support alternate volume reduction practices in areas of known or suspected soil contamination.
3	The City will cooperate with Ramsey Conservation District to develop and revise land-use regulations as necessary in DWSMAs to protect drinking water and public health.
4	The City shall encourage Low Impact Development (LID) to minimize imperviousness and promote naturally occurring groundwater recharge.
5	The City shall promote water conservation practices such as installing low-flow toilets, washing only full loads of laundry and dishes, and watering lawns and gardens only when needed and during the early morning or evening.

4.4 Public Education and Outreach

Public involvement and outreach is a strategy and an effort that recognizes people want to be involved in decisions that affect any facet of their life. Public involvement creates opportunities for the residents and the general public to participate in the processes that impact them directly which often leads to more informed decision making. Public involvement also allows the City to reach residents that might be looking for educational information on water resources or opportunities to get involved in local improvement projects.

The City’s web site is an alternative medium to provide municipal information to both City residents and those people who live outside Falcon Heights. An electronic version of this Plan is accessible on the City’s stormwater webpage. Because the Plan has such a wide audience, including engineers, planners, developers, citizens, scientists and educators; electronic access to the text and mapping creates a better understanding of the goals, policies and activities of this Plan, as well as links to previous studies and tools that will help to make better decisions on projects ranging from a development site plan to a backyard landscaping project.

The City will make an ongoing effort on both a City-wide and watershed level toward educating the public by distributing information to its residents on responsible practices they should employ to protect water resources throughout the City. The program can also educate residents on better land use practices such as the benefits of using phosphorus-free fertilizer and keeping grass clipping out of the streets. Educational information will also be provided

regarding the proper use of a wide range of lawn chemicals and installing and maintaining rain water gardens.

Table 5
Goal 4 – Public Education and Outreach

Goal Statement: Promote stewardship and increase awareness of land and water resources through public education and outreach.	
Policy No.	Goal 4: Public Education and Outreach – Policies
1	The City will continue to implement an education and outreach program using a variety of media, including use of notices, mailings, local cable television, newsletters, articles in Falcon Heights City News, web sites, workshops and/or presentations to inform the community about water resource issues.
2	The City will continue to conduct a public annual stormwater meeting as described in the City’s MS4 SWPPP as available on the City’s stormwater permit webpage.
3	The City shall make this Plan available to the residents of Falcon Heights and general public through the City’s webpage. A hard copy of the plan will be available at the City Hall upon request.
4	The City will use a public involvement process in water resource management decision-making (i.e., through appointed Commissions and public meetings).
5	The City will make an ongoing effort on both a local and regional level by distributing information to residents on responsible practices to protect water resources such as alternative landscapes, phosphorus free fertilizer, aquatic plant management, proper use of a wide range of lawn chemicals and proper disposal of hazardous household materials etc.
6	The City will work with existing public and private resources to increase public participation in water resources management and disseminate information regarding each of the local watershed management organizations having jurisdiction within the City.
7	The City will cooperate with other organizations and consider establishment of model interpretative sites for public education.
8	The City will continue to educate elected officials and members of the general public on water resources management needs and issues.

4.5 Pollution Prevention and Maintenance

Housekeeping practices, such as removing leaves from streets and storm drains and limiting the use of phosphorus fertilizers, are examples of simple ways individuals (residents) and the City can prevent pollution and make improvements in water quality. Although suspended solids and nutrients are traditionally what come to mind regarding surface water quality pollutants, there are a number of other pollutants that harm surface waters and aquatic

ecosystems. The following list summarizes additional water quality pollutants of concern to regional surface waters:

- **Chloride.** Chloride is a main component of most deicing products such as road salt. Once in the water, it is a conservative pollutant making it difficult to remove. It can be toxic to aquatic plants and organisms and can reduce or delay vertical mixing in lakes. Using properly calibrated equipment to apply deicing products is one of the ways City crews reduce the amount of chlorides applied to City streets.
- **Pathogens.** Pathogens are disease causing organisms such as *Giardia* and *Cryptosporidium*. They are difficult to identify and thus fecal coliform and *E. coli* bacteria are used to indicate the possible presence of pathogens. Sources are human, pet, livestock, and wildlife excrement.
- **Mercury.** Mercury is naturally occurring element which finds its way to surface waters primarily through atmospheric deposition. The primary regional source of atmospheric mercury is from burning coal. Once in the water, it is converted to methylmercury which bioaccumulates up the food chain and is a known neurotoxin which impacts the central nervous system. Several of the City's lakes are impaired for mercury resulting in fish consumption advisories.
- **Other heavy metals** (e.g. lead, zinc, copper and cadmium). Heavy metals are primarily found bound to suspended solids in stormwater and surface waters although they are also present in dissolved forms. They can be toxic in certain concentrations to animals and humans.
- **Polycyclic aromatic hydrocarbons (PAHs).** PAHs are a class of chemicals that harm fish and, with prolonged exposure, pose a risk of cancer in humans. Common sources are coal-tar based sealcoat, petroleum products and oil. A current challenge for many cities, including Falcon Heights, is how to cost-effectively remove sediments from stormwater ponds that have PAH levels that require disposal at a landfill.
- **Polychlorinated biphenyls (PCBs).** PCBs are a class of chemicals manufactured and commonly used from 1930 to 1979 in electrical and hydraulic products. They do not readily break down in the environment and bioaccumulate in organisms, fish, and ultimately humans who ingest the fish. The EPA and other organizations consider PCBs to be probable human carcinogens.
- **Perfluorochemicals (PFCs).** PFCs are a family of chemicals used to make products resist heat, oil, stains, grease, and water. Examples of PFCs are perfluorooctane sulfate (PFOS) and perfluorooctanoic acid (PFOA) which are extremely resistant to breakdown in the environment and bioaccumulate in animals and humans. In animal studies high concentrations of PFCs have been shown to have adverse health effects but the effects in humans are still unclear.
- **Endocrine disrupting compounds (EDCs).** EDCs are not a discrete class of chemicals but rather a chemical which mimics or blocks normal hormonal function in animals and humans (a process called endocrine disruption). In animals, exposure to EDCs has been associated with reduced reproductive success, reduced survival, altered sex typing, and developmental abnormalities. Potential EDCs include chemicals such as PCBs, polybrominated biphenyls (PBBs), bisphenol A (BPA), phthalates, and many others found in a range of products from pharmaceuticals and personal care products to pesticides.
- **Aquatic nuisance and invasive species.** Aquatic plants such as Eurasian Watermilfoil and Purple Loosestrife have become well established throughout certain areas of the

Twin Cities Metropolitan area and can create significant impacts to wetland and water resources if not managed. In addition, aquatic animals such as the Zebra Mussel can create nuisance problems in area lakes and have the potential to significantly alter the character and quality of the resource. The following link provides a thorough overview of some of the more prevalent aquatic invasive species in the region:
www.invasivespeciesinfo.gov.

Many of the pollutants listed above are either already in the environment (e.g. PCBs, PFCs) or are found in many commonly used products (e.g. Chloride, PAHs, EDCs) and are difficult to remove from the aquatic environment once introduced with traditional treatment methods. To avoid potentially expensive remediation/treatment costs associated with many of these pollutants, the City will need to take a proactive approach with prevention/reduction through considerable educational efforts and public policies.

Examples of efforts the City has already made towards pollution prevention include reducing road salt usage and prohibiting the use of coal-tar based sealers. The City also has an illicit discharge ordinance which prohibits illicit discharge of non-stormwater into the storm sewer system and intentionally disposing of grass, leaves, dirt, or landscape material into a water resource, natural conveyance, or street/road/alley.

The City can work with contractors to limit the spread of invasive species is through implementing best practices for pumping equipment. For example, where pump systems are used in City water bodies for a pond clean out project or dewatering, the contractor should be aware of the potential presence of Zebra Mussels in the water bodies where they previously used the equipment and take the necessary steps to decontaminate their equipment.

Complementing pollution prevention is performing routine maintenance of existing stormwater treatment and drainage systems. As sediment builds up over time, it reduces the capacity of drainage systems and the pollutant removal capabilities of ponds by reducing dead storage volume (i.e., the volume below the outlet elevation). Sediment from erosion can also significantly reduce infiltration rates in basins or BMPs designed for volume control and/or groundwater recharge. Extending the life of these facilities involves source control and elimination of material that causes the problem, and maintenance of the systems on a regular basis. Better construction methods and maintenance efforts will control a major portion of the sediment at the source, and an effective street sweeping program will also have a positive impact.

**Table 6
Goal 5 – Pollution Prevention and Maintenance**

Goal Statement: Protect the quality of the City’s water resources through pollution prevention, good housekeeping practices, and routine maintenance.	
Policy No.	Goal 5: Pollution Prevention and Maintenance – Policies
1	The City encourages residents to take advantage of the free Ramsey County yard waste collection and prevention sites or backyard composting to prevent these potential sources of TSS and nutrients from reaching the storm sewer system and downstream receiving water bodies.
2	The City encourages residents to properly dispose of household hazardous waste (cleaning products, automotive fluids, lawn and garden chemicals, etc.) at a Ramsey County collection site to prevent these potential sources of

	pollutants from reaching the storm sewer system and downstream receiving water bodies.
3	The City prohibits non-storm water discharges to the storm drainage system to the maximum extent practicable as described in the Ordinance 09-05 Illicit Discharge and Disposal . Illicit discharge of non-stormwater into the storm sewer system includes intentionally disposing of grass, leaves, dirt, or landscape material into a street/road/alley. Not cleaning up pet waste and disposing of it properly in the trash can also lead to illicit discharge.
4	The City shall conduct street sweeping at least three times a year of the entire City. The first sweep shall be as soon as practical in the spring.
5	The City prohibits the use of coal tar-based sealer on asphalt driveways and parking lots within the City to prevent Polycyclic Aromatic Hydrocarbons (PAHs) present in coal tar from contaminated stormwater runoff and downstream receiving water bodies (City Code Chapter 22-55)
6	Appropriate City staff shall have training and equipment available to deal with small spills of hazardous material on City property. All spills which cause pollution of the air, land, or water resources must be reported immediately to the State Duty Officer at 651.649.5451.
7	Appropriate City staff shall have training on best management practices for the application of road salt and de-icing materials and shall reduce the amount of chlorides to the maximum extent practicable. The City also encourages property owners to reduce salt usage and offers tips to cut salt usage on the City website.
8	The City limits phosphate application within the City and prohibits application during certain periods and on impervious surfaces. The fertilizer ordinance (City Code Chapter 107-9) also includes licensing requirements for commercial applicators.
9	The City shall annually inspect and clean all structural pollution control devices. A minimum of 20 percent of the MS4 outfalls, sediment basins and ponds are inspected annually on a rotating basis in accordance with its SWPPP. Cleaning, sediment and debris removal will be performed as necessary.
10	The City requires private storm water systems to be maintained in proper conditions consistent with the performance standards for which they were originally designed (City Code Section 107-8. – Approval Standards). Clean up and removal of settled materials is required every five years.
11	The City will support state and watershed programs to limit the spread of invasive species and will encourage contractors to take the necessary actions to avoid the spread of invasive species.

4.6 Coordination and Collaboration

A successful surface water management program requires extensive coordination with the many regulatory agencies having jurisdiction in the City as well as close collaboration with the local watershed organizations and the developers proposing projects within the City. The best solutions are often found through combined efforts and from building on what others have learned from similar projects and/or similar management activities. Coordination and collaboration will be accomplished through a variety of methods including meetings and discussions with project partners and regulators on a project-specific basis; ongoing posting and updates of this plan on the City’s webpage; posting design standards and historical surface water studies and resources on the City’s webpage; and participating in organizational programs like the Public Works Forum and the Minnesota Cities Stormwater Coalition.

The watershed management organizations (Capitol Region and Rice Creek) all have very active programs with a wealth of resources and staff to assist the City towards meeting the goals of this plan. The watersheds have funding programs that can assist the City with its municipal projects as well as residents on their individual projects.

The City will continue to collaborate with residents by providing an opportunity for residents to recycle yard waste and obtain compost and woodchips for landscape projects.

**Table 7
Goal 6 – Coordination and Collaboration**

Goal Statement: To simplify and streamline processes and draw upon the expertise and resources of other local, state, and federal agencies in water resources management efforts.	
Policy No.	Goal 6: Coordination and Collaboration – Policies
1	The City will endeavor to inform developers about Federal, State, and local stormwater management regulations including the NPDES requirements, watershed district rules, floodplain regulations, and WCA rules.
2	The City shall utilize educational materials and activities from watershed districts and other entities to deliver a consistent message regarding water resources and stewardship.
3	City staff will be encouraged to attend watershed district hosted education programs directed at municipal officials and staff.
4	The City shall seek opportunities to leverage limited available funding through project partnerships.
5	The City shall encourage the use of landscaping practices that promote infiltration. Additionally, the City will endorse existing programs that help meet this goal, such as but not limited to, the leaf recycling center, which offers compost and woodchips for property owners to use.

4.7 Sustainability

Sustainability means many things to many people. For some it is an opportunity, for others it is an obligation, and in many cases, it is an expectation of communities, businesses and citizens. The most basic definition of sustainability is “meeting our current needs without sacrificing the ability of future generations to meet their own needs.” In a very basic sense, this is accomplished by balancing environmental, economic, and social (quality of life)

considerations. A sustainable approach inherently achieves efficiencies that balance environmental, economic, and social demands.

As mentioned previously in this Plan, *sustainability* is a thread that is woven throughout the City’s Comprehensive Plan, and this CSWMP is an integral component of the City’s Comprehensive Plan. As in the Comprehensive Plan, this CSWMP will serve as a guide towards improving sustainability across all aspects of the City’s surface water management program and activities. Sustainability represents an approach that strives to achieve the most efficient use of community resources. It is a complicated concept that includes many facets of City government and includes areas such as waste reduction, water conservation, and carbon-emission reduction.

Nature is a good example to follow as it works to reduce runoff volumes by infiltration, reduce soil loss through vegetation, enhance habitat, and reduce pollutants in storm runoff by infiltration and biological uptake. When we develop land, we change the natural system. Often, we increase both the peak runoff rate as well as the volume of runoff. The increase in both developed runoff rate and volume can be harmful to downstream channels, resulting in degradation. This degradation has effects on habitat as well as water quality by increasing sediment loads.

In addition to channel degradation, we also introduce new sediment loads and pollutants into the natural system through the development process. During construction, we can introduce new sediment loads by exposing previously vegetated soil. After development is completed, we often see a whole new set of pollutants in storm runoff.

One example of how during development sustainability could be incorporated into construction site practices would be to use woodchips as a construction site entrance instead of rock. The woodchips not only help to remove the sediment from construction vehicles, but may also be reused elsewhere onsite at a later stage of construction for final restoration. Furthermore, woodchips could be made on-site from clearing and grubbing operations, thus reducing the energy use and costs associated with transporting rock to and from the site. Another sustainable construction practice example is using trenchless technologies to reduce the construction impacts to the ground surface thus reducing the area exposed to rainfall and the potential for sediment to enter surface waters in runoff.

The primary objectives of stormwater sustainability are to mitigate these changes to the natural system. The City goals and policies for sustainable stormwater management area listed in Table 8.

Table 8
Goal 7 – Sustainability

Goal Statement: Achieve the water quality and water resources needs of the City based on the foundation of efficient use of community resources. In this approach both capital costs and long-term operational costs will be considered as well as the overall costs of a given project towards protection and/or improvement of the City water resources.	
Policy No.	Goal 7: Sustainability – Policies
1	The City will use the Metropolitan Council’s 2011 Stormwater Reuse Guide as a guide in considering water reuse on City projects.

2	The City will strive to incorporate construction, building, and landscape designs and practices that mimic natural systems, and infiltrate, retain, detain rainfall onsite, or can reduce excess flows into our sewers, streets, and waterways on City infrastructure projects.
3	The City shall consider using trenchless technologies to reduce the impact on the ground surface and expose less disturbed area to erosion and runoff when appropriate.
4	The City shall consider using innovative BMPs and green infrastructure for stormwater treatment.
5	The City shall endeavor to incorporate pretreatment, treatment trains, and maintenance access for new and retrofit public stormwater treatment facility projects.
6	The City shall consider installing monitors to monitor its water usage.

5.0 Issues Assessment

5.1 Resolved Issues & Past Project Examples

As discussed previously, this Plan builds on the previous Plans adopted by the City in 2008. Each of those previous Plans contained an assessment of problem areas and called for implementation actions to address those issues. The following sections provide descriptions of past example projects and resolved issues.

5.1.1 Curtiss Field Pond

Curtiss Field pond is located within a park in the City of Falcon Heights. The pond is designed as an infiltration basin and adequately handles normal to slightly higher rainfalls, but excessive rainfalls can result in flooding of the neighboring park. The City previously identified problems with this pond, including flooding upstream of the pond, near the intersection of Idaho Avenue and Snelling Avenue causing limited park use, damaged infrastructure, and public safety concerns. This issue may have been related to the infiltration ability.

In 2011, the CRWD completed a feasibility study to determine how to limit flooding in the park. After three years of study, planning and design, a 390-foot network of 10-foot diameter perforated pipe was installed underneath Curtiss Field. The pipes are fed by overflow from the pond, and stormwater is delivered there to percolate into the ground. The system has reduced flooding in the park and reduced the risk of damage to surrounding properties.

5.1.2 Trout Brook Stormwater System

Como Lake discharges to the Trout Brook Stormwater System, an interceptor which carries the stormwater flow from several communities within the CRWD, including Falcon Heights. The interceptor was very old and in need of maintenance and repairs in order to function properly and effectively. From 2007-2009, the CRWD repaired and replaced several sections of pipe that were in poor condition. From 2012-2013, the MnDOT realigned a 630-foot section of pipe and replaced it with 830-feet of new pipe in a nearby location to avoid conflicts with I-35E bridge pier projects. In 2016-2017, the CRWD is repairing a half mile stretch of the oldest section of the interceptor.

5.1.3 University of Minnesota Trolley Path Drainage

The trail east of Coffman Street occasionally floods. Erosion problems have been identified at the storm sewer outlet north of Fulham Street at Folwell Avenue. This outlet discharges into a ditch that flows to a stormwater pond in the City of Lauderdale. A segment of pipe in this area also needs repair. This area of the City is under the jurisdiction of the University of Minnesota- St. Paul Campus. The City will work with the University and residents on implementation once the University identifies a solution.

5.1.4 Pascal Street Drainage

Storm sewer deficiencies were apparent on Pascal Street from Iowa Avenue to California Avenue. The street is flat causing water to sit instead of being conveyed to the storm sewer system. The project was completed in 2013 as part of the City of Roseville's street improvement projects. Infiltration was added to provide better street drainage and subsequently improve water quality.

5.1.5 City Hall Parking Lot Reconstruction

The Parking Lot at City Hall was constructed in the 1970s and was in need of major maintenance. Pavement distresses were exhibited as the result of the lot not having adequate grade as well as a minimal stormwater system. The City completed reconstruction of the parking lot in 2009. Porous pavement and two raingardens were also installed in conjunction with the parking lot.

5.2 Ongoing Issues

While the previous section provided just a few of the many project examples and accomplishments the City has made in the 20 plus years since completing its first surface water management plan, there is also more work ahead. Many of the flooding issues of the past have been addressed, but some remain. New water quality issues and concerns are emerging each year, requiring varying levels of effort by the city to address. And, the ongoing maintenance and operation of the storm water system has grown much more complex over the years due to new regulations and a better understanding of what is necessary to keep the treatment ponds and filtration systems functioning properly.

The following ongoing issues within Falcon Heights were identified from several sources including the CRWD and RCWD District Water Management Plans, the City Storm Sewer Inventory (2001), the City Capital Improvement Plan, and the City SWPPP.

5.2.1 Como Lake & Gottfried Pit

Part of the stormwater runoff from the City discharges to Gottfried's Pit, which is located upstream of Como Lake and has a pumped outlet to Como Lake. The CRWD has defined an Issue Statement for Como Lake. The key issues the District wishes to resolve include:

- Articulate the importance of Como Lake to the Community and the District.
- Define a vision for Como Lake that includes economic, political, and social considerations. Public and agency input and evaluation is not currently coordinated. There is a need to develop realistic expectations based on currently best available science.
- Evaluate available data for Como Lake to determine how best to address and manage stormwater pollutant loads to Como Lake.

- Develop a clear public education and information program to serve as a link in establishing a realistic public expectation for the Lake and promote implementation of citizen-based activities to protect Como Lake.
- Encourage implementation of housekeeping BMP's by citizens, cities, county, and agencies within the watershed of Como Lake.
- Consider the costs relative to improvements of the quality of Como Lake beyond that accomplished under the EPA Clean Lakes projects implemented by Ramsey County in the 1980's.

The need for interagency cooperation and public education and involvement as a means to manage Como Lake are compatible with the CRWD plan and vision. The City will coordinate with the CRWD on future projects within this subwatershed.

5.2.2 Flooding Issues

The City of Falcon Heights storm sewer system was designed in the 1950-60's. Now a majority of the system is undersized when comparing it to current design standards and certain areas experience frequent localized flooding. While many of the known flooding areas have been addressed by infrastructure improvements over the past 20 years, some remain and potential project locations that could help alleviate the ongoing issues are identified in the implementation section of the plan. The City is also aware of storm sewer issues that adjacent municipalities have that may limit the rate at which water can drain from the storm sewer.

The City will work closely with state, county, and other municipal agencies to ensure any project can maximize its benefit. The City will look to the watershed districts for grant funding and/or technical assistance, and will apply for grants that are available. A list of known flooding issues/projects is provided below.

- Fairview Trunk Storm Sewer System
 - Retrofit projects with Pavement Management Projects
- Gottfried Pit Subwatershed
 - PMP
 - Falcon Heights Elementary
 - United Church
 - Retrofit projects with Pavement Management Projects
- Curtiss Field
 - Reference/List CRWD comments.
 - Retrofit projects with Pavement Management Projects

5.2.2.1 Grove Neighborhood

The Grove neighborhood experiences chronic flooding at a low area on Folwell Avenue during storm events with a return frequency of 5-year or greater. Pondered water affects several adjacent residential properties and a walking trail connecting Folwell Avenue and Hoyt Avenue West.

5.2.2.2 Curtiss Field Pond

Although a large subsurface infiltration network was constructed at Curtiss Field in 2013, the

risk of flooding within Cutiss Field and the upstream intersection of Idaho Avenue and Snelling Avenue still remains. Flood waters in this area would cause limited park use, damaged infrastructure and public safety concerns. As reconstruction projects in this drainage area occur, regional and neighborhood level issues will be studied and addressed as applicable.

5.2.3 Water Quality Impairments

Earlier sections of this plan presented the current known and confirmed impairments to receiving waters of City drainage. Much like some localized flooding issues that won't be identified until the next big rainfall, new water quality issues may not be known for years to come. Researchers throughout the country are identifying new issues on a regular basis and regulators and policy makers are developing requirements and guidance to manage these new pollutants. The City's plan is to focus resources on the pollutants that they can best address, such as total suspended solids and total phosphorus and at the same time recognize that new issues may arise that requires adjustment to the current approach.

The 2016 MPCA list of impaired waters identifies more than 2,500 TMDL reports needed for approximately 5,000 lakes, rivers and streams in the state. Local governments will be required to incorporate completed TMDL studies into their surface water management plans and review their SWPPPs to determine if additional BMPs are needed to comply with the TMDL waste load allocation. At this time there are no listed waters within the City of Falcon Heights, however a portion of Falcon Heights does drain to Como Lake and Little Johanna Lake, which are impaired for excess nutrients.

The Como Lake TMDL was approved in 2010 and includes Waste Load Allocations (WLA) and strategies to reduce pollutants to Como Lake, including for the Falcon Heights MS4. The Southwest Urban Lakes TMDL was approved in 2015 and addresses the Little Johanna Lake nutrient impairment. Additionally, Falcon Heights MS4 is included in the Upper Mississippi River Bacteria TMDL that was approved in 2016. The Upper Mississippi River Bacteria TMDL includes WLAs and strategies for several sub-watersheds discharging to reaches of the Upper Mississippi River with the goal to reduce pollutant loading to the Mississippi River. Programmatic implementation items such as public outreach and education can help reduce fecal coliform loads to the Mississippi River by educating pet owners on the City policy which requires them to clean up and properly dispose of pet waste.

In response to these multiple regulatory activities, the MPCA published the Minnesota Stormwater Manual (Version 1.13.0, 2016), providing stormwater management tools and guidance. The Manual presents a unified statewide approach to stormwater practices.

5.2.4 Operation and Maintenance

The overall stormwater system operation and maintenance needs of the City is significant. In fact, the resources needed to maintain the system will likely grow due to more treatment devices being installed each year and the need to conduct maintenance on those that have been in service for 20 years or more.

5.2.5 Education, Outreach and Collaboration

Managing storm water is no longer just the responsibility of the City. A coordinated approach with residents, local interest groups, developers, City and watershed staff, and elected officials is needed in order to achieve local water quality improvements and meet the goals of this plan. The City is required to complete public education efforts as part of its NPDES MS4 Permit Program. The City has also conducted and supported a number of educational

programs such as rain water garden workshops that help residents contribute to community efforts. These efforts will continue to be critical towards improving management of grass clippings, fertilizers, chemicals and yard waste. The efforts will help to reduce the chances of a residential backyard grading project that might change the flow of storm water, and they will help inform the public of fish consumption advisories on area lakes and invasive species issues.

5.2.6 Urban Redevelopment & Utilization of Urban Best Management Practices

Urban redevelopment in the City of Falcon Heights offers an opportunity to develop green spaces, preserve and restore historical natural resources, and provide for environmentally sensitive urban planning approaches. Often redevelopment projects have potential water quantity and quality components that can provide environmental and amenities to the site. Retrofitting and using BMPs in redevelopment is one of the main opportunities to improve water quality at sites. The CRWD and RCWD require the use of BMPs on development and redevelopment sites, and also encourage infiltration practices where feasible. Additional issues of interest to the City and identified as concerns in urban redevelopment include:

- Leaching of pollutants from periodically flooded areas
- Brownfield redevelopment funding outside of specific projects
- Regional natural resource restoration planning prior to implementation of specific redevelopment projects

Proactive involvement with urban redevelopment planning and implementation is consistent with the CRWD's vision regarding protection and enhancing water and natural resources and promoting innovative stormwater practices.

The highly developed nature and minimal use of stormwater best management practices (BMP's) in the City contribute to poor water quality for waterbodies within the watershed districts as well as the water flowing to the Mississippi River. Retrofitting and using BMP's in redevelopment is one of the main opportunities the City has to improve water quality and quantity issues in many of the sites within both RCWD and CRWD.

The City is limited due to the lack of surface water resources within the City. Water quality protection of important water resources, including the Mississippi River, is a basic mission of watershed districts. BMP's constructed in developed areas to mitigate impacts of urbanization, can improve water quality and minimize volumes reaching downstream waterbodies. BMP's can be implemented in small-scale (site specific) and large-scale (regional) applications. Incremental changes and improvements may have small effects viewed individually, but several individual improvements cumulatively can have significant positive impacts. This is a fundamental reason why watershed-based management is essential; to plan and coordinate the best, most efficient combination of improvements to make a positive impact.

Cooperation with CRWD and RCWD is needed to assist in the identification and implementation of effective BMP's on a subwatershed basis to fulfill overall District goals. These BMP's may include "structural BMP's" such as ponding, extended detention basins, "rain gardens", ultra-urban (small scale) BMP's, constructed infiltration beds and outlet control structures, as well as "non-structural BMP's" including street sweeping, leaf

collection and composting, “housekeeping BMP’s such as fertilizer application and car washing, catch basin and pond cleaning, outlet maintenance and passive infiltration practices.

Improving water quality and protection of water resources through the use of innovative BMP’s and retrofitting is consistent with the City’s vision.

5.2.7 Wetland Restoration

Wetlands are a critical resource within any watershed, serving various functions. These functions include water quality improvement, groundwater recharge, flood retention, wildlife habitat and general aesthetics. Wetlands have value to the residents of the watershed because they serve these functions. In Falcon Heights, however, the majority of the wetlands are not functioning to the extent possible. In fact, many are highly degraded and function poorly. According to the CRWD Issue Statement, the following items regarding wetlands could be addressed with strategic planning efforts:

- Identification of the wetland functions and values within the watershed. This information is critical to the planning process.
- Identify priority waterbodies such as lakes or large wetlands and wetlands tributary to District lakes.
- Identify opportunities for wetland restoration or improvement projects.
- Improve wetland habitat of the wetlands within the watershed that are severely degraded due to non-native vegetation.
- Educate watershed community on the functions and values of wetlands in the urban setting.

6.0 Implementation Program and Funding

The Implementation Program intended to provide guidance in carrying out the Plan goals and objectives. The Implementation Program and funding section summarizes capital improvement projects, studies and ongoing maintenance, inspection, monitoring and other management activities. This Plan is intended to serve the City for at least the next ten years and many of the program activities will continue at least out to the year 2030.

Table 9 (at the end of this section) summarizes the activities and efforts of the overall implementation program. The Implementation Plan should be reviewed on an annual basis. At that time, each proposed improvement is to be reconsidered, City budgets adjusted, and additional improvement projects or management activities added to or removed from the program. Estimated planning-level costs of recommended actions are provided with a cautionary note that they are not intended to set unrealistic expectations of the actual costs of projects and/or activities. The costs provided are intended to serve as an order-of-magnitude look at what the activity may require.

Paying for water management projects and administrative activities has become more complex in recent years. In addition, public improvement and private development projects are seeing a higher percentage of their planning and construction budget being needed for water resources and environmental protection efforts. In the past, special assessments against benefited properties financed most of the necessary improvements. However, the financial options have broadened considerably. The question is which method or methods best suit the

needs of the City. The major categories of funding sources are: Ad Valorem Taxes; Special Assessments; Storm Water Utility; and Grants, as summarized below.

- *Ad Valorem Tax.* General taxation is the most common revenue source used to finance government services, including minor maintenance measures for drainage and water quality facilities. Using property tax has the effect of spreading the cost over the entire tax base of a community. A special tax district can also be used to raise revenue. The special tax district is similar to the administrative structure under general taxation except that all or part of the community may be placed in the tax district. The principle is to better correlate improvement costs to benefited or contributing properties.
- *Special Assessments.* Municipalities are familiar with the use of special assessments to finance special services from maintenance to construction of capital improvements. The assessments are levied against properties benefiting from the special services. The philosophy of this method is that the benefited properties pay in relation to benefits received. The benefit is the increase in the market value of the properties.
- *Trunk Storm Sewer/Development Fees.* Fees charged to new development that generates runoff can be charged to finance infrastructure needed to serve the development. This is a useful tool in communities that are rapidly developing.
- *Storm Utility Fee.* A utility is a service charge or fee based on usage, similar to the fees charged for sanitary sewer or potable water supply. The fee is typically charged against improved parcels based on the concept of contributors (or users) pay. The rate structure is based on the land use type, density, and parcel size to reflect the typical runoff contributed by a given parcel. In some cases parcels may be eligible for a credit to reduce their fee.
- *Grants.* State grants are available for surface water management and non-point source pollution. However, it is generally not a good financial practice to rely on grants for a service program. This source of revenue is not dependable and requires constant speculation as to its availability. Grants are useful but should only be used to supplement a planned local revenue source. Some of the agencies and programs that may have available grant funds include:
 - Environmental Protection Agency
 - Watershed Districts
 - U. S. Fish and Wildlife Service
 - Minnesota Department of Natural Resources
 - Metropolitan Council
 - Ramsey Conservation District
 - Minnesota Board of Water and Soil Resources
 - Minnesota Pollution Control Agency

The City adopted the Storm Sewer Utility (see [City Code, Chapter 50, Article III. – Storm Sewer Utility, Section 50-65](#)) in 1993 to pay for the maintenance, operation, and improvement of the City’s stormwater management system. Using a combination of all available funding sources will be continued in order to fund surface water management activities within Falcon Heights. The charges and fees will be reviewed and adjusted annually to ensure adequate funding for the activities set forth in this plan and those required by law. Additionally, the City may request assistance from other agencies and municipalities accordingly.

6.1 Additional Projects

Beyond the activities programed in Table 9, there are numerous projects and activities that the City wishes to pursue but are not programmed into a specific year or allocated funding. Table 10 includes additional projects and activities that are currently at an 'idea level'. These projects require the coordination and collaboration with other entities such as watershed districts, neighboring communities and developers and have a yet to be determined schedule for implementation, but may continue to develop over time and ultimately develop into the implementation phase. The City plans to coordinate these efforts as retrofit projects during their PMP program and during and redevelopment opportunities. The City would be looking for watershed district assistance, including but not limited to grant funding and technical assistance for these projects.

**Table 9
Implementation Plan**

Item	Implementation Project	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
1	Public Outreach Consultants/Educators	\$5,000.00	\$5,000.00	\$5,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$7,000.00	\$7,000.00	\$7,000.00
2	Street Sweeping	\$5,000.00	\$5,000.00	\$6,000.00	\$6,000.00	\$7,500.00	\$7,500.00	\$7,500.00	\$10,000.00	\$10,000.00	\$10,000.00
3	BMP Maintenance	\$5,000.00	\$5,000.00	\$5,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$7,000.00	\$7,000.00	\$7,000.00
4	Pavement Management Projects – Water Quality/Sewer Upgrades: Falcon Wood		\$100,000.00								
5	Pavement Management Projects – Water Quality/Sewer Upgrades: NE Quad				\$100,000.00						
6	Pavement Management Projects – Water Quality/Sewer Upgrades: General						\$150,000.00		\$150,000.00		\$200,000.00
7	Storm Sewer Televising	\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00	
8	Seminary Pond			\$100,000.00							
9	CSWMP Revisions/Updates										\$50,000.00
	Total	\$25,000.00	\$115,000.00	\$126,000.00	\$118,000.00	\$29,500.00	\$169,500.00	\$29,500.00	\$174,000.00	\$34,000.00	\$274,000.00

**Table 10
Potential Projects**

Item	Applicable Goal	Activity/Project	Estimated Cost
1	Flood Control and Runoff Management	Perform hydrologic and hydraulic analysis of Gottfried Pit drainage system and identify potential improvements to alleviate flooding and improve water quality	\$35,000.00
2	Flood Control and Runoff Management	Implement recommended study improvements to the Gottfried Pit drainage system	\$500,000.00
3	Flood Control and Runoff Management	Perform hydrologic and hydraulic analysis of Como Lake drainage system and identify potential improvements to alleviate flooding & improve water quality	\$35,000.00
4	Flood Control and Runoff Management	Implement recommended study improvements to the Como Lake drainage system	\$500,000.00
5	Flood Control and Runoff Management	Perform hydrologic and hydraulic analysis of the Curtis Field drainage system and identify potential improvements to alleviate flooding and improve water quality	\$35,000.00
6	Flood Control and Runoff Management	Implement recommended study improvements to the Curtis Field drainage system	\$350,000.00
7	Flood Control and Runoff Management	Perform hydrologic and hydraulic analysis of the Zimmerman Lake subwatershed and identify potential improvements to reduce flooding along Roselawn Ave	\$35,000.00
8	Flood Control and Runoff Management	Implement recommended study improvements to the Zimmerman Lake subwatershed	\$500,000.00

7.0 Plan Adoption and Amendments

7.1 Formal Plan Review and Adoption

Minnesota Statute 103B.235, Subd. 3 (italics below) describe the required formal review process for local water management plans.

*Subd. 3. **Review.** After consideration but before adoption by the governing body, each local unit shall submit its water management plan to the watershed management organization for review for consistency with the watershed plan adopted pursuant to section 103B.231. If the county or counties having territory within the local unit have a state-approved and locally adopted groundwater plan, the local unit shall submit its plan to the county or counties for review. The county or counties have 45 days to review and comment on the plan. The organization shall approve or disapprove the local plan or parts of the plan. The organization shall have 60 days to complete its review; provided, however, that the watershed management organization shall, as part of its review, take into account the comments submitted to it by the Metropolitan Council pursuant to subdivision 3a. If the organization fails to complete its review within the prescribed period, the local plan shall be deemed approved unless an extension is agreed to by the local unit.*

*Subd. 3a. **Review by Metropolitan Council.** Concurrently with its submission of its local water management plan to the watershed management organization as provided in subdivision 3, each local unit of government shall submit its water management plan to the Metropolitan Council for review and comment by the council. The council shall have 45 days to review and comment upon the local plan or parts of the plan with respect to consistency with the council's comprehensive development guide for the metropolitan area. The council's 45-day review period shall run concurrently with the 60-day review period by the watershed management organization provided in subdivision 3. The Metropolitan Council shall submit its comments to the watershed management organization and shall send a copy of its comments to the local government unit. If the Metropolitan Council fails to complete its review and make comments to the watershed management organization within the 45-day period, the watershed management organization shall complete its review as provided in subdivision 3.*

The following organizations will receive Agency Review Drafts of this plan for the formal review and comment:

- Rice Creek Watershed District (60-day review period)
- Capitol Region Watershed District (60-day review period)
- Ramsey County (45-day review period)
- Metropolitan Council (45-day review period)

After the City receives formal comments on the Agency Review Draft, the City's consultant will make necessary revisions to the plan to receive agency approval. Upon approval of the plan the City Council must formally consider and adopt the Final Plan through a Council Action.

7.2 Amendment Process

The Comprehensive Surface Water Management Plan is intended to extend approximately through the year 2027. In conjunction with this Plan, the NPDES SWPPP activities will be reviewed and evaluated annually in a public meeting and the permit program itself will be updated as required by the MPCA NPDES permit program. For this plan to remain dynamic,

an avenue must be available to implement new information, ideas, methods, standards, management practices, and any other changes which may affect the intent and/or results of this Plan. Amendment proposals can be requested at any time by any person or persons either residing or having business within the City.

7.2.1 Request for Amendments

Any individual can complete a written request for a Plan amendment and submit the request to City staff. The request shall outline the specific items or sections of the Plan requested to be amended, describe the basis and need for the amendment and explain the desired result of the amendment towards improving the management of surface water within the City. Following the initial request, staff may request that additional materials be submitted in order for staff to make a fully-informed decision on the request.

The City may also initiate an amendment to respond to amendment to a local watershed organization plan or following the completion and approval of a TMDL implementation plan.

7.2.2 Staff Review

Following a request for Plan amendments, staff will make a decision as to the completeness and validity of the request. If additional information is needed by staff to determine the validity of the request, staff will generally respond to the requestor within 30-60 days of receiving the request.

Following receipt of sufficient information such that validity of the request can be evaluated, there are three options which are described below:

- a. Reject the amendment. Staff will reject the amendment if the request reduces, or has the potential to reduce, the Plan's ability to achieve the goals and policies of the Plan, or will result in the Plan no longer being consistent with one or more of the watershed district's plans.
- b. Accept the amendment as a minor issue, with minor issues collectively added to the plan at a later date. These changes will generally be clarifications of plan provisions or to incorporate new information available after the adoption of the 2017 Plan. Minor changes will generally be evaluated on the potential of the request to help staff better implement and achieve the goals and policies the Plan. Minor issues will not result in formal amendments but will be tracked and incorporated formally into the Plan at the time any major changes are approved.
- c. Accept the amendment as a major issue, with major issues requiring an immediate amendment. In acting on an amendment request, staff should recommend to the City council whether or not a public hearing is warranted. In general, any requests for changes to the goals and policies or the development standards established in the Plan will be considered major amendments.

Staff will make every attempt to respond to the request within 30-60 days of receiving sufficient information from the requestor. The timeframe will allow staff to evaluate the request internally and gather input from the WD/WMOs and other technical resources, as needed. The response will describe the staff recommendation and which of the three categories the request falls into. The response will also outline the schedule for actions, if actions are needed to complete the requested amendment.

7.2.3 Watershed District Approval

All proposed major amendments must be reviewed and approved by the appropriate Watershed Districts prior to final adoption of the amendments. Major amendments would include changes to the goals and policies of the Plan. Staff will review the proposed amendments with the WDs to determine if the change is a major amendment and if determined to be major amendment, then will assess the ability of the requested amendment to maintain consistency with WD plans.

7.2.4 Council Consideration

Major amendments and the need for a public hearing will be determined by staff and if identified as a major amendment, the request will be considered at a regular or special Council meeting. Staff recommendations will be considered before decisions on appropriate action(s) are made. The requestor will be given an opportunity to present the basis for, and intended outcomes of, the request at the public hearing and will be notified of the dates of all official actions relating to the request.

7.2.5 Public Hearing and Council Action

The initiation of a public hearing will allow for public input or input based on public interest in the requested amendment. Council, with staff recommendations, will determine when the public hearing should occur in the process. Consistent with other formal Council actions and based on the public hearing, Council would adopt the amendment(s), deny the amendment(s) or take other action.

7.2.6 Council Adoption

Final action on any major amendments, following approval by the Watershed Districts, is Council adoption. Prior to the adoption, an additional public hearing may be held to review the Plan changes and notify the appropriate stakeholders.

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Figure 6 – Existing Land Use

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Figure 8 – Minnesota Land Cover Classification System

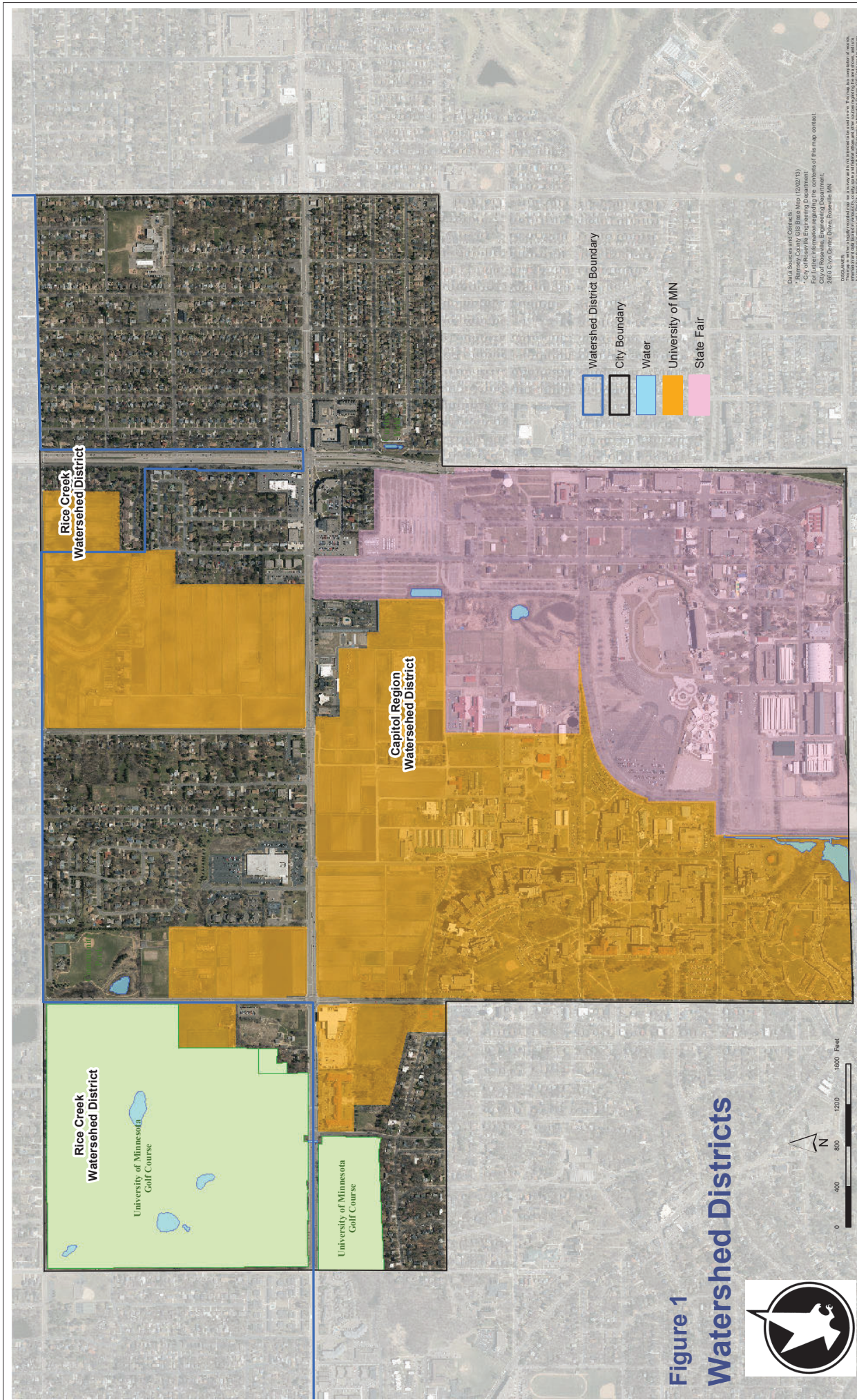


Figure 1
Watershed Districts

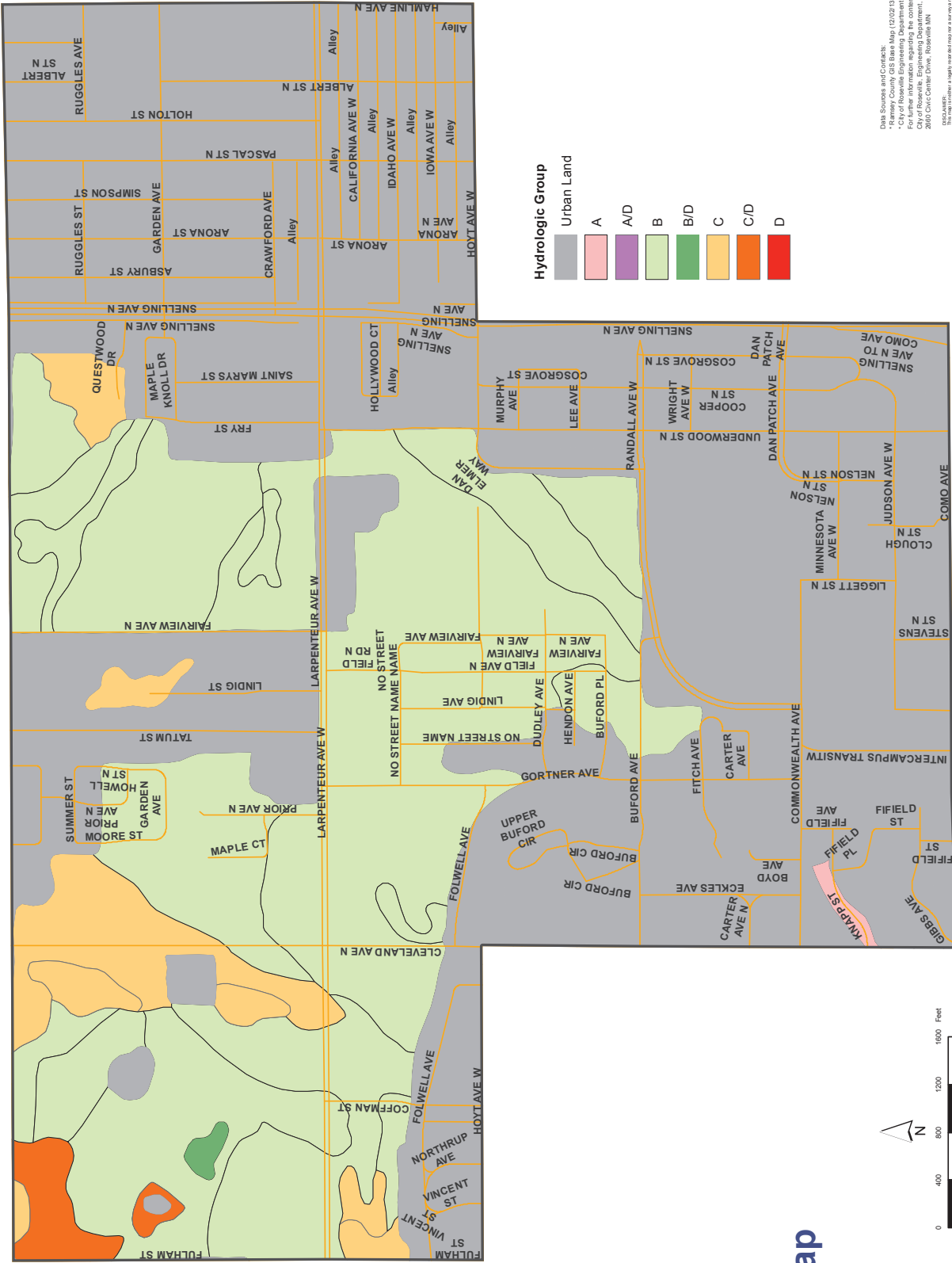


Prepared by:
 City of Roseville Engineering Department
 May 22, 2018

mapdoc: Figure 1 FH Watershed Districts.mxd
 map: Figure 1 FH Watershed Districts.apr

Data Sources and Credits:
 Roseville City GIS Base Map (2/2017)
 City of Roseville Engineering Department
 2800 Civic Center Drive, Roseville, MN 55127

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Figure 2
Soils Map



Prepared by:
 City of Roseville Engineering Department
 March 07, 2017

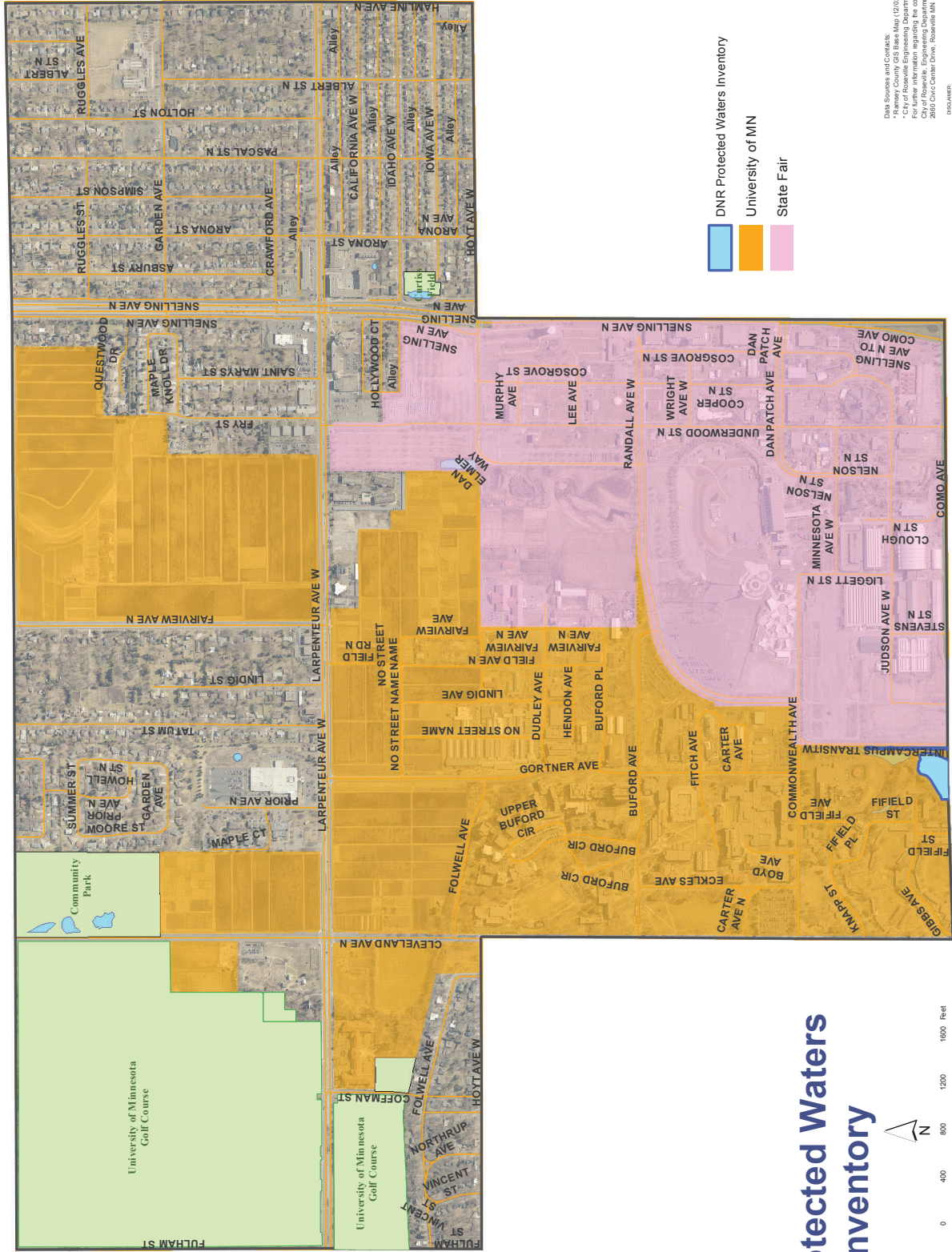


Figure 3
DNR Protected Waters Inventory



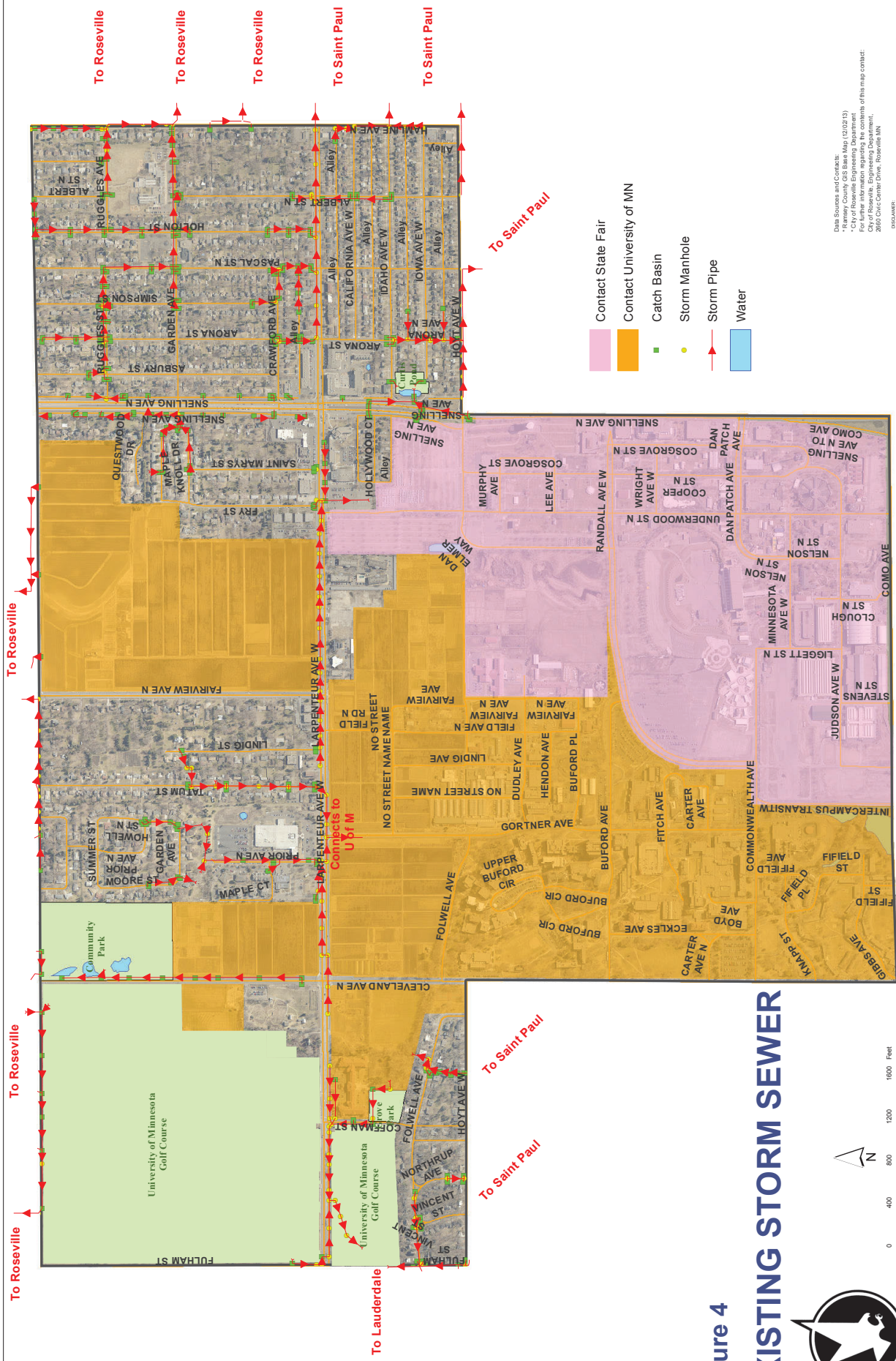
Prepared by:
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 March 07, 2017



mapto: Figure 3 DNR Protected Waters.mxd
 map: Figure 3 DNR Protected Waters.pdf

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EXISTING STORM SEWER

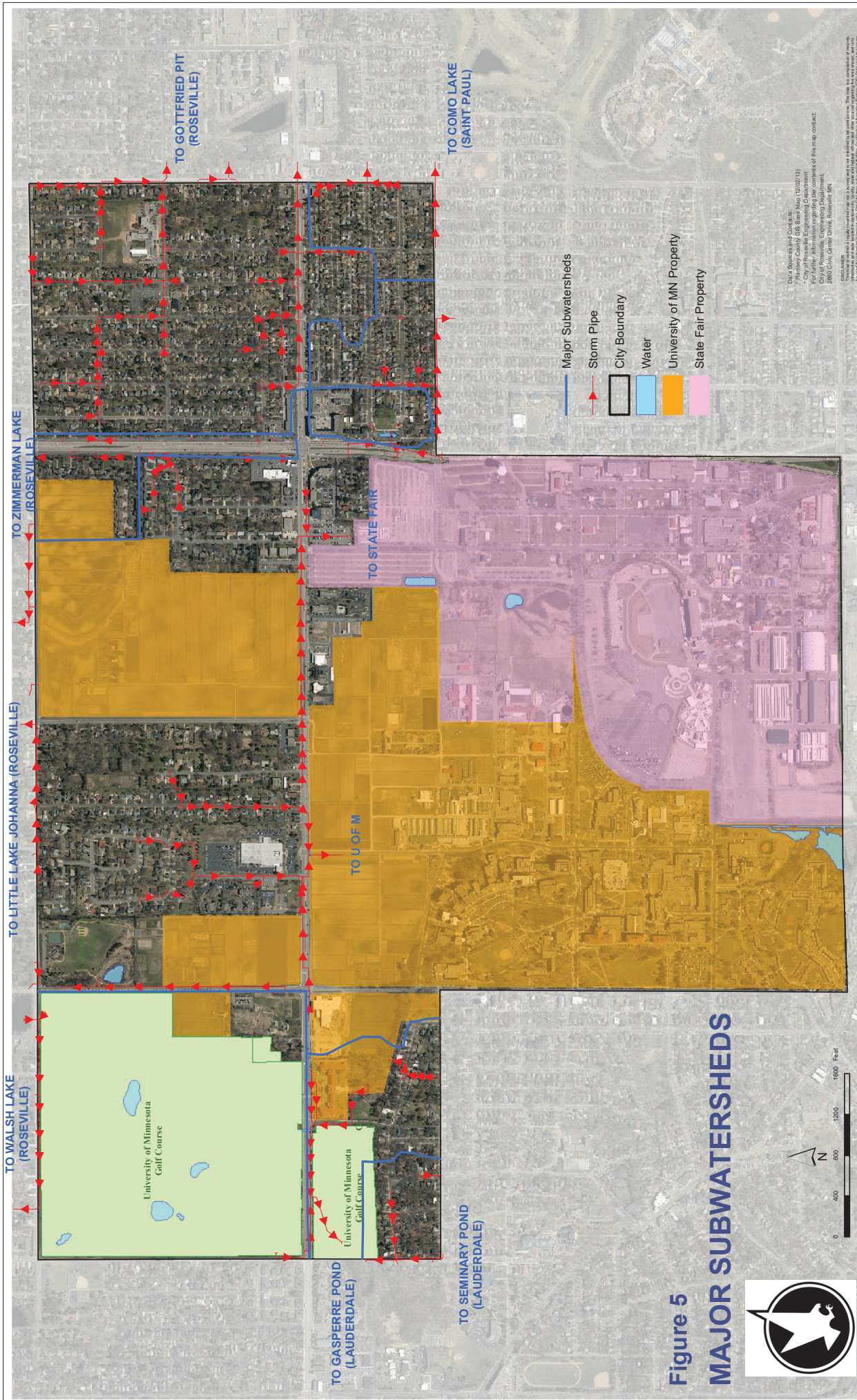
Figure 4



Prepared by:
 City of Roseville Engineering Department
 March 07, 2017



mapinfo: Figure 4 FWS Storm Sewer.mxd
 map: Figure 4 FWS Storm Sewer.gxd



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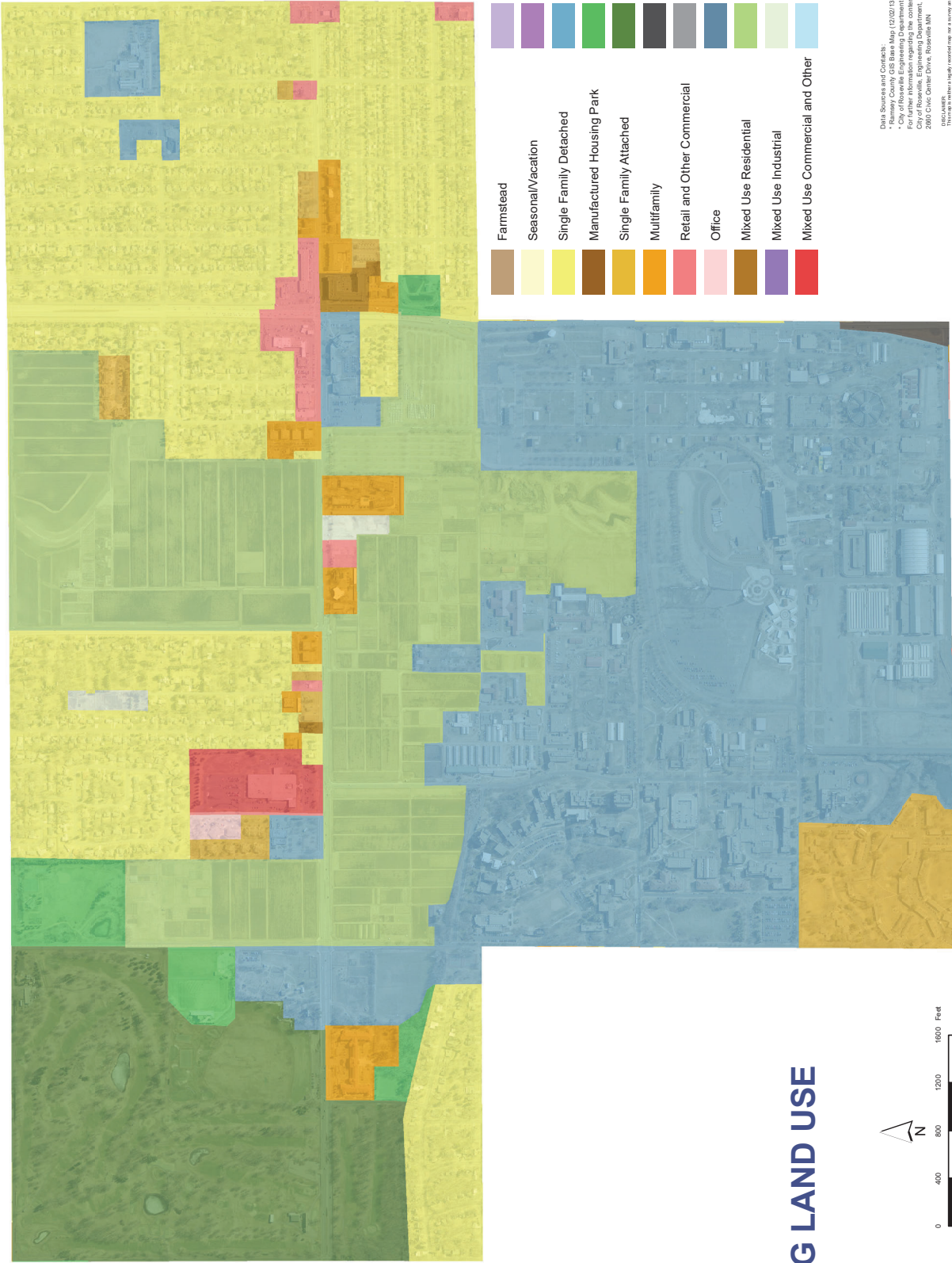
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Figure 5
MAJOR SUBWATERSHEDS



Prepared by:
City of Roseville Engineering Department
May 22, 2018

mapdoc: Figure 5 Major Subwatersheds.mxd
img: Figure 5 Major Subwatersheds.pdf



- Farmstead
- Industrial and Utility
- Seasonal/Vacation
- Extractive
- Single Family Detached
- Institutional
- Manufactured Housing Park
- Park, Recreational or Preserve
- Single Family Attached
- Golf Course
- Multifamily
- Major Highway
- Retail and Other Commercial
- Railway
- Office
- Airport
- Mixed Use Residential
- Agricultural
- Mixed Use Industrial
- Undeveloped
- Mixed Use Commercial and Other
- Water

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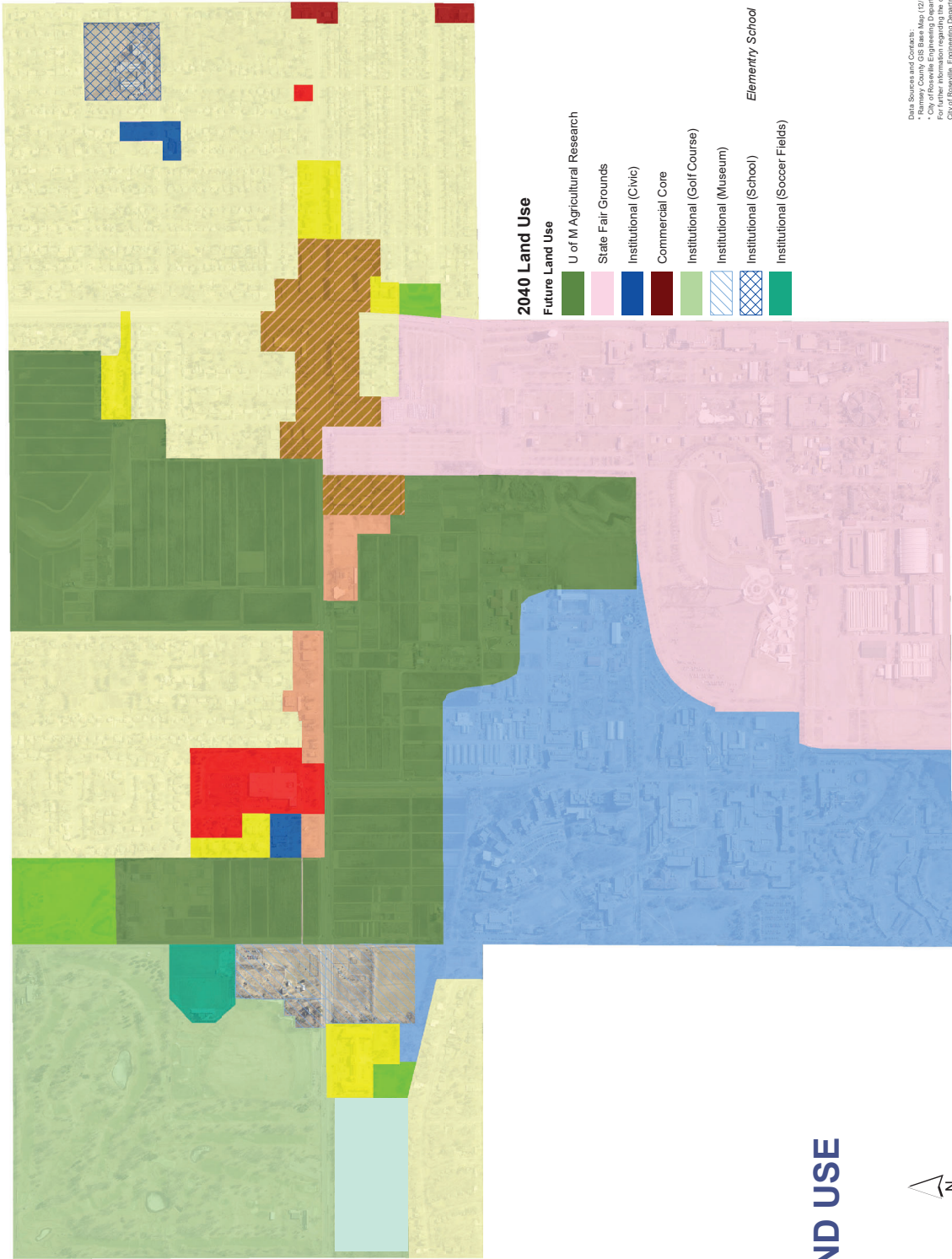
Figure 6
EXISTING LAND USE



mapdoc: Figure 6 FH Existing Land Use v3.mxd
 map: Figure 6 FH Existing Land Use v3.pdf



Prepared by:
 City of Roseville Engineering Department
 June 19, 2019



2040 Land Use

- Future Land Use**
- U of M Agricultural Research
 - State Fair Grounds
 - Institutional (Civic)
 - Commercial Core
 - Institutional (Golf Course)
 - Institutional (Museum)
 - Institutional (School)
 - Institutional (Soccer Fields)
- Elementary School**
- Institutional (University)
 - Limited Business
 - Low Density Residential
 - Medium Density Residential
 - Mixed Use Residential
 - Mixed Use Residential - TOD
 - Multi-Family Residential
 - Neighborhood Commercial
 - Park and Recreation

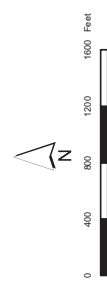


Figure 7
FUTURE LAND USE



Prepared by:
City of Roseville Engineering Department
June 12, 2019

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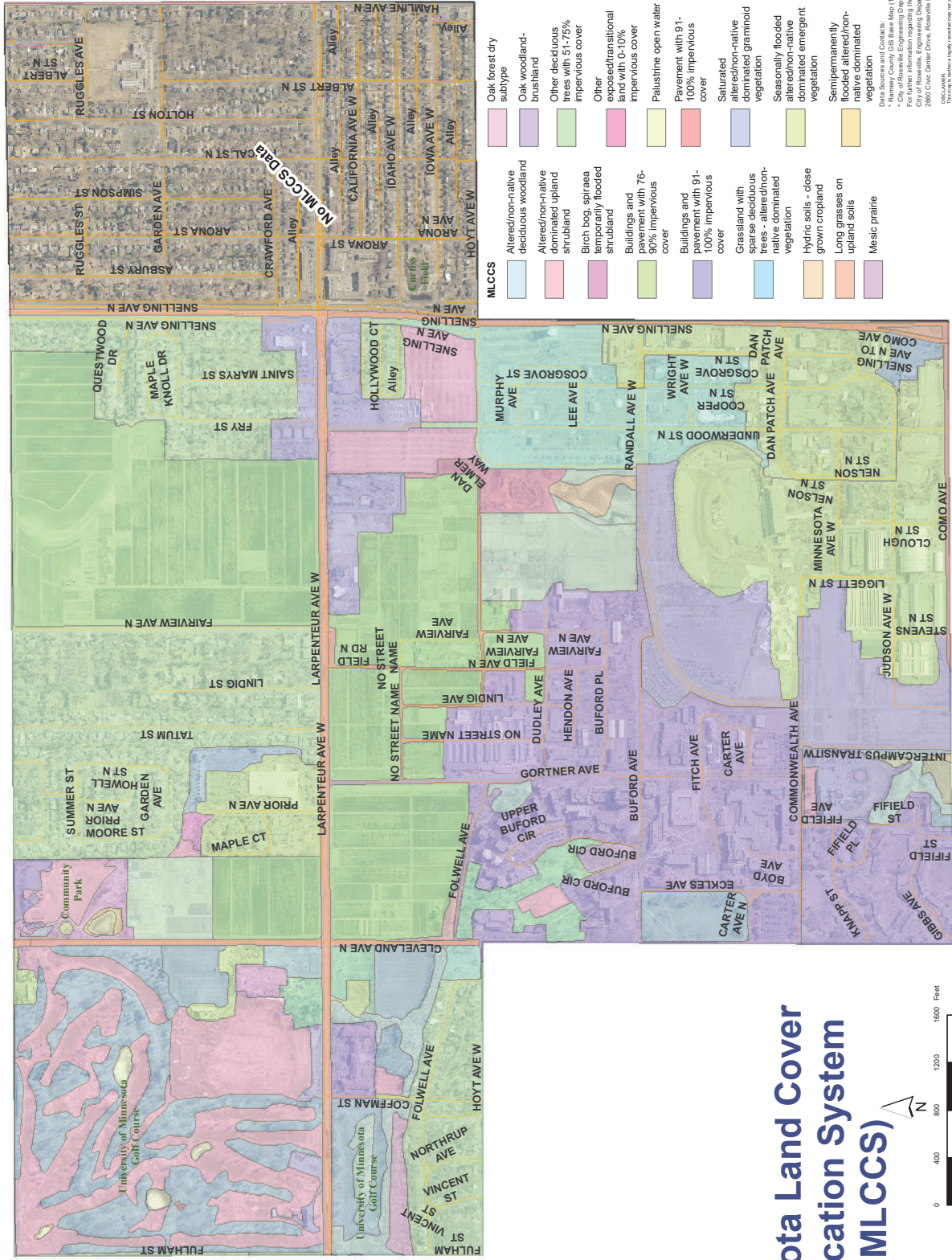


Figure 8
Minnesota Land Cover
Classification System
(MLCCS)



Prepared by:
 City of Roseville Engineering Department
 February 13, 2018

mapdoc: Figure 8 MLCCS.mxd
 map: Figure 8 MLCCS.pnt



- | | | | |
|-------|---|---|--|
| MLCCS | Altered/non-native deciduous woodland | Oak forest dry subtype | Short grasses and mixed trees with 26-50% impervious cover |
| | Altered/non-native dominated upland shrubland | Oak woodland-brushland | Short grasses and mixed trees with 4-10% impervious cover |
| | Birch bog, spiraea temporarily flooded shrubland | Other deciduous trees with 31-75% impervious cover | Short grasses and mixed trees with 51-75% impervious cover |
| | Buildings and pavement with 76-90% impervious cover | Other exposed/transitional land with 0-10% impervious cover | Short grasses on upland soils |
| | Buildings and pavement with 91-100% impervious cover | Palustrine open water | Short grasses with sparse tree cover on upland soils |
| | Grassland with sparse deciduous trees - altered/non-native dominated vegetation | Saturated altered/non-native dominated graminoid vegetation | Upland soils - close grown cropland |
| | Hydric soils - close grown cropland | Seasonally flooded altered/non-native dominated emergent vegetation | Upland soils - cropland |
| | Long grasses on upland soils | Semipermanently flooded altered/non-native dominated vegetation | Wetland-open water (palustrine) |
| | Mesic prairie | | |

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Appendix A

Acronym Dictionary

ACRONYMS

BMP	Best Management Practice
BPA	Bisphenol A
BWSR	Board of Water and Soil Resources
CRWD	Capitol Region Watershed District
CSWMP	Comprehensive Surface Water Management Plan
CWA	Clean Water Act
DNR	Department of Natural Resources
EDC	Endocrine Disrupting Compound
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
LGU	Local Government Unit
MDH	Minnesota Department of Health
MPCA	Minnesota Pollution Control Agency
MS4	Municipal Separate Storm Sewer System
MSL	Mean Sea Level
NFIP	National Flood Insurance Program
NPDES	National Pollution Discharge Elimination System
NURP	National Urban Runoff Program
NWI	National Wetland Inventory
NWS	National Weather Service
OHW	Ordinary High Water
PAH	Polycyclic Aromatic Hydrocarbons
PBB	Polybrominated Biphenyls
PCB	Polychlorinated Biphenyls
PFC	Perfluorochemicals
PFOA	Perfluorooctanoic Acid
PFOS	Perfluorooctane Sulfate
PWI	Public Water Inventory
RCD	Ramsey Conservation District
RCWD	Rice Creek Watershed District
RWMWD	Ramsey-Washington-Metro Watershed District
SDWA	Source Drinking Water Area
SPRWS	Saint Paul Regional Water Service
SWPPP	Storm Water Pollution Prevention Plan
TMDL	Total Maximum Daily Load
TP	Total Phosphorus
TSS	Total Suspended Solids
WCA	Wetland Conservation Act
WD	Watershed District
WIMN	What's In My Neighborhood
WMO	Watershed Management Organization

Appendix B

Applicable City Code

-
- Chapter 22 Environment
 - Chapter 50 Utilities
 - Chapter 107 Stormwater Management
 - Chapter 113 Zoning

Chapter 22 - ENVIRONMENT

ARTICLE I. - IN GENERAL

Secs. 22-1—22-18. - Reserved.

ARTICLE II. - BLIGHT

FOOTNOTE(S):

--- (1) ---

State Law reference— Authority to define and abate nuisances, Minn. Stats. § 412.221, subd. 23.

Sec. 22-19. - Causes of blight or blighting factors.

It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city owned, leased, rented or occupied by such person.

- (1) Inoperable vehicles. In any area zoned for residential purposes, the storage upon any property of inoperable vehicles is illegal. For the purpose of this section, the term "inoperable vehicle" shall include any motor vehicle, or part of a motor vehicle, not stored in a garage, which is either:
 - a. Unusable or inoperable because of lack of, or defects in, component parts;
 - b. Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;
 - c. Beyond repair and not intended for future use as a motor vehicle;
 - d. Being parked on any street or alley, for a period exceeding 48 consecutive hours; or
 - e. Without valid and current license plates issued by the proper state agency attached.
- (2) Special permits. The city council in its discretion, upon receipt of an application showing hardship in special circumstances may, in the instance of an inoperable vehicle, issue a special permit with appropriate conditions attached permitting an individual to keep such vehicle for a period not to exceed 60 days.
- (3) Junk, trash, rubbish and refuse. In any area within the city, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed 14 days is illegal. The term "junk" shall include, but not be limited to, parts of machinery or motor vehicles; unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable or safe; approved building materials; common household items; metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.
- (4) Noxious weeds, vegetation and substances. No owner agent or occupant of any premises shall permit upon his or her premises any noxious weeds as defined in Minn. Stats. § 18.77, weeds or grass growing to a height greater than six inches or which have gone or are about to go to seed,

fallen trees, dead trees, tree limbs or items which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

(5) Structures.

- a. Unfit structure. In any area the existence of any structure or part of any structure that because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended is illegal.
- b. Vacant structure. In any area zoned for residential purposes, the existence of any vacant dwelling, garage, or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals is illegal.

(6) Graffiti. No owner agent or occupant of any premises shall allow or leave on the premises any graffiti, which shall mean any writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings which are scratched, scrawled, painted, drawn, or otherwise placed on any surface of objects such as buildings, walls, fences, sidewalks, curbs, trees, rocks, or other permanent structures or objects on public or private property or the interior surfaces of those parts of a building accessible to the general public and which have the effect of defacing the property. An owner agent may request the city to remove the graffiti by providing a waiver to the city to allow for the removal of graffiti on the owner agent's property. The owner agent will be billed for the cost.

(Code 1993, § 8-1.01; Ord. No. 0-98-07, 12-7-1998)

Sec. 22-20. - Notification; deadline for removal.

The owner and the occupant of any property upon which any of the causes of blight or blighting factors set forth in section 22-19 is found to exist, shall be notified in writing by the clerk to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice. The notice may be served personally, or by mailing by certified mail, return receipt requested to the last known address of the owner and if the premises are occupied, to the premises. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

(Code 1993, § 8-1.02(A))

Sec. 22-21. - Abatement.

- (a) In case of failure to remove any blight as defined in section 22-19 after notification and within the time prescribed, the administrator or clerk may order city employees or a contracted party to abate the blighted condition. The responsible person shall be billed for the costs. If the bill is unpaid, the cost shall be certified to the county auditor as a special assessment against the property for collection in the same manner as other special assessments.
- (b) In case of failure to remove any blight as defined in section 22-19(5)a and 22-19(5)b, after notification and within the time prescribed, the council may direct the administrator or clerk to proceed as defined in Minn. Stats. §§ 463.15—463.261 regarding the repair and/or removal of hazardous and substandard buildings on property.

(Code 1993, § 8-1.02(B); Ord. No. 0-98-07, 12-7-1998)

Secs. 22-22—22-45. - Reserved.

ARTICLE III. - PUBLIC NUISANCES

FOOTNOTE(S):

--- (2) ---

State Law reference— Authority to define and abate nuisances, Minn. Stats. § 412.221, subd. 23; public nuisances prohibited, Minn. Stats. § 609.74 et seq.

Sec. 22-46. - Purpose.

It is the purpose of this section to protect and promote the public health, safety and general welfare of the people of the city. This is in addition to all other statutes and regulations that might be applicable to the city.

(Code 1993, § 8-2.01)

Sec. 22-47. - Public place defined; nuisances.

- (a) Public place defined. Whenever used in this article, "public place" shall include streets, alleys and sidewalks dedicated to public use, and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee, or otherwise, or in or on which the general public is permitted without specific invitation.
- (b) Creation of a nuisance. No person shall knowingly cause or create a nuisance in a public or private place, or permit any nuisance to be created or placed upon or to remain upon any premises owned or occupied by such person. A nuisance is any thing, act, occupation or use of property which:
 - (1) Annoys, injures or endangers the safety, health, comfort or response of the public;
 - (2) Offends public decency or the decency of any member of the public;
 - (3) Interferes with, obstructs, or tends to obstruct or render dangerous for passage any public place; or
 - (4) Renders the public insecure in life or in use of property.
- (c) A nuisance upon premises. No person shall knowingly cause, or create, or permit nuisances upon any premises as follows:
 - (1) Snow and ice not removed from public sidewalks 24 hours after a storm has ended;
 - (2) Trees, hedges or other obstructions that prevent persons from having a clear view of approaching traffic;
 - (3) Limbs of trees which are less than eight feet above the surface of any public sidewalk, or 14 feet above the surface of any street;
 - (4) Wires across public streets, alleys, lanes or sidewalks less than 15 feet above the surface of the ground;
 - (5) Buildings, walls, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which endanger the safety of the public;
 - (6) Explosives, bottled gas, inflammable liquids and other dangerous substances stored in any manner deemed dangerous by the fire marshal or fire chief;

- (7) Obstructions and excavations affecting the ordinary use of public streets, alleys, sidewalks or public grounds except as authorized by the council;
 - (8) Any use of property abutting a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;
 - (9) Hanging signs, awnings and other similar structures over the streets or sidewalks, which endangers public safety;
 - (10) Allowing rainwater, ice or snow to fall from any building or structure upon any street or sidewalk, or wastewater to flow upon or across streets or other public property;
 - (11) Unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;
 - (12) Obstructing free flow of water in a natural waterway or a public street drain, gutter or ditch;
 - (13) Motor vehicle not in operating condition parked in public view for more than 48 hours;
 - (14) Sweeping of grass clippings or leaves into the street or alley;
 - (15) Shoveling or plowing of snow into streets and alleys;
 - (16) Service and repair of vehicles in the street except for the changing of tires;
 - (17) Service and repair of vehicles in driveways except for the changing of tires;
 - (18) Noxious weeds and other rank growths of vegetation; or
 - (19) Any other conditions or things that are liable to cause injury to persons or property.
- (d) Emissions and odors. No person shall cause or allow the emission of any foreign materials such as dust, gases, fumes, vapors, smoke and odors in quantities that, by reason of their objectionable properties, shall be considered a nuisance because they do one or more of the following:
- (1) Injure, or are sufficient to injure, the health or safety of the public.
 - (2) Create an obnoxious odor in the atmosphere.
 - (3) Cause damage to property or inconvenience to the general public.
 - (4) Create a nuisance or hazard by obscuring vision.
 - (5) Have a deleterious effect upon trees, plants or other forms of vegetation.
- (e) Unnecessary noise. No person, in any public or private place, shall make, or assist in making, by any manner or means, any loud, unpleasant or raucous noise disturbing to others, unless the same is reasonably necessary to the preservation of life, health, safety or property.
- (f) Disruptive parties.
- (1) Participation. No person shall congregate because of participation in any party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of any other person.
 - (2) Remaining to abate disturbance. No person shall visit or remain within any place wherein such a party or gathering is taking place except persons who are there for the sole purpose of abating the disturbance.

(Code 1993, § 8-2.02)

Sec. 22-48. - Abatement.

In case of failure to remove snow and ice from sidewalks as provided in subsection 22-47(c)(1) after notification and within the time prescribed, the administrator or clerk may order city employees or a contracted party to abate the nuisance. The responsible person shall be billed for the costs. If the bill is unpaid, the cost shall be certified to the county auditor as a special assessment against the property for collection in accordance with Minn. Stats. § 429.101.

(Ord. No. 10-05, § 1, 9-8-2010)

Secs. 22-49—22-54. - Reserved.

ARTICLE IV. - REGULATION OF COAL TAR-BASED SEALER PRODUCTS

FOOTNOTE(S):

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Editor's note—Ord. No. 14-04, § 1, adopted Nov. 12, 2014, amended Art. IV in its entirety to read as set out herein. Former Art. IV, §§ 22-55—22-59, pertained to similar subject matter and derived from Ord. No. 12-02, § 1, adopted March 28, 2012.

Sec. 22-55. - Purpose.

The City of Falcon Heights understands that lakes, rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community.

The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns.

The 2013 Minnesota Legislature enacted a statewide prohibition on the use and sale of coal tar sealant products. This new statewide prohibition has been codified under Minn. Stats. § 116.202 and is effective on January 1, 2014.

The purpose of this article is to prohibit violations of Minn. Stats. § 116.202 in the City of Falcon Heights, Minnesota, in order to protect, restore, and preserve the quality of its waters.

(Ord. No. 14-04, § 1, 11-12-2014)

Sec. 22-56. - Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Asphalt-based sealer means a petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and does contain PAHs.

Coal tar means a byproduct of the process used to refine coal.

Coal tar sealant product means a surface-applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-93-2, 65996-89-6, or 8007-45-2.

City means the City of Falcon Heights.

MPCA means the Minnesota Pollution Control Agency.

PAHs or polycyclic aromatic hydrocarbons means a group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

(Ord. No. 14-04, § 1, 11-12-2014)

Sec. 22-57. - Prohibitions.

- (a) No person shall apply a coal tar sealant product on asphalt paved surfaces within the city.
- (b) No person shall sell a coal tar sealant product that is formulated or marketed for application on asphalt-paved surfaces within the city.
- (c) No person shall allow a coal tar sealant product to be applied upon property that is under that person's ownership or control.
- (d) No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product to any driveway, parking lot, or other surface within the city.
- (e) No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product to any driveway, parking lot, or other surface within the city.

(Ord. No. 14-04, § 1, 11-12-2014)

Sec. 22-58. - Exemptions.

Upon the express written approval from the MPCA and in accordance with Minn. Stats. § 116.202, a person who conducts research on the environmental effects of coal tar sealant product or where the use of coal tar sealant product is necessary in the development of an alternative technology shall be exempt from the prohibitions provided in section 22-57. Any person that is granted approval by the MPCA must provide a copy of the written approval from the MPCA to the city 20 days before conducting the research.

(Ord. No. 14-04, § 1, 11-12-2014)

Sec. 22-59. - Asphalt-based sealcoat products.

The provisions of this article shall only apply to coal tar sealant products in the city and shall not affect the use of asphalt-based sealer products within the city.

(Ord. No. 14-04, § 1, 11-12-2014)

Chapter 50 - UTILITIES

FOOTNOTE(S):

--- (1) ---

State Law reference— Municipal utilities, Minn. Stats. § 412.321 et seq.

ARTICLE I. - IN GENERAL

Secs. 50-1—50-33. - Reserved.

ARTICLE II. - SEWERS AND SEWAGE DISPOSAL

Sec. 50-34. - General operation.

The city sanitary sewer system shall be operated as a public utility from which revenues will be derived, subject to the provisions of this Code.

- (1) Connections to sewer required. All buildings constructed within the city on property adjacent to a sewer main or in a block through which the system extends, shall be provided with a connection to the municipal sanitary sewer system.
- (2) Disposal of wastes. Discharge of wastes shall be controlled by applicable state rules.
- (3) Interceptors. Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand or other harmful ingredients; but such interceptors shall not be required for private dwelling units. Interceptors shall be located so as to be easily accessible for cleaning and inspection.

(Code 1993, § 4-1.01)

Sec. 50-35. - Prohibited uses and actions.

- (a) Discharge of industrial wastes. It shall be unlawful to discharge into the sanitary sewer system any industrial wastes unless prior approval of the city engineer is obtained. The city engineer shall approve the discharge of industrial wastes when, in his or her opinion, the proposed wastes will not be of an unusual amount or character. When in the opinion of the city engineer, the proposed wastes are of an unusual amount or character, the city engineer may approve such wastes, provided the prior approval of the City of Saint Paul city council is obtained.
- (b) Discharge of surface waters prohibited. It shall be unlawful to discharge or cause to be discharged into the sewer system, either directly or indirectly, any roof, stormwater, surface water or groundwater of any type or kind, or water discharged from any air conditioning unit or system.
- (c) Tampering with sewer system prohibited. No person shall maliciously, willfully or negligently uncover, deface or tamper with any structure, appurtenance or equipment that is a part of the sewer system.
- (d) Prohibited connections. No buildings located on property lying outside the city limits shall be connected to the sanitary sewer system unless authorized by the city council and the City of Saint Paul city council.

(Code 1993, § 4-1.02)

Sec. 50-36. - Fees; penalties.

- (a) Residential. For the purpose of providing funds to meet operation, maintenance and also replacement costs of the city's sewer system, a quarterly user fee will be charged to each lot, parcel, building or premises connected to the sewer system. The sewer service charge payment is as established by the city council.
- (b) Commercial and industrial. In the event that any commercial or industrial user's lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquid into the sewer system of the city directly or indirectly, is supplied in whole or in part with water not obtained from the city or the City of St. Paul, the user shall immediately install necessary metering equipment as approved by the city engineer to measure the quantity of water used; and the sewer rental charge shall be based on the quantity of water used. Whenever the owner, lessee or occupant fails to install such metering equipment where it is not practical to measure the amount of water used on the premises by meter or meters, the city engineer shall estimate the volume of water from private sources which discharge into the sewer system of the city, and such estimate shall be used in lieu of the metered volume of water from private sources to determine the sewer rental charges. No appeal may be made from such estimates by the user other than by installation of a meter as provided above.
- (c) Penalties and assessment. Penalties for late payment and assessment of unpaid fees are as established by the city council.

(Code 1993, § 4-1.04)

Sec. 50-37. - Maintenance of individual connections.

It shall be the responsibility of the property owner or occupant to maintain the sewer service from the sewer stub into the house or building. Any required right-of-way permit shall also be maintained.

(Code 1993, § 4-1.05)

Sec. 50-38. - Residential sewer connections.

- (a) Plumbing inspector. The plumbing inspector shall supervise all sewer connections made to the city sanitary sewer system and all excavations for the purpose of installing or repairing sanitary sewer installations.
- (b) Permits; application. Any person desiring to connect a lot, parcel of land, building or premises to the city sanitary sewer system shall apply to the city for a permit for such a connection. Any sewer repair shall also require a permit. The application shall be submitted on forms provided at the clerk's office. All costs and expenses incident to the installation and connection or repair shall be paid by the permit holder and the owner shall indemnify the city for any loss or damage that may directly or indirectly result from the installation or repair of the sewer connection including restoring streets and street surfaces.
- (c) Penalties. Any person who commences work for which a permit is required under this section, without first acquiring the necessary permit, shall be required to pay double the standard fees and shall be subject to all penalties.
- (d) Conditions.
 - (1) Permits shall only be issued to persons who have been duly certified or licensed by the state.

- (2) No permit shall be issued until the plumbing in the building conforms to the Minnesota Plumbing Code.
- (e) Required information. The plumbing inspector shall sign the permit to show that the work and material conform to this Code. A sketch showing installation including kind and size of pipe, the type of joint used, and length of house connection, the depth at the street, the depth at the house, the distance from either side of the house where the connection is made to the house plumbing, and any other information listed on the permit form or required by the plumbing inspector.
- (f) Repair of public right-of-way. No connection or repair to the municipal sanitary sewer system shall receive final approval until all streets, sidewalks, curbs and boulevards or other public improvements have been restored and approved by the city engineer. Approval shall be given upon a showing that the restoration complies with all applicable laws, ordinances and standards.

(Code 1993, § 4-2.01)

Secs. 50-39—50-64. - Reserved.

ARTICLE III. - STORM SEWER UTILITY

Sec. 50-65. - Stormwater drainage utility established.

The city storm sewer system shall be operated as a public utility pursuant to Minn. Stats. § 444.075; the revenues from such system shall be subject to the provisions of this article and Minnesota Statutes.

(Code 1993, § 3-5.01(intro.))

Sec. 50-66. - Fee.

- (a) Definition of residential equivalent factor (REF). One REF is defined as the ratio of the average runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single family residential land, during a standard one-year rainfall event.
- (b) Stormwater drainage fee calculations. Stormwater drainage fees for parcels of land shall be determined by multiplying the REF for parcels of land use by the parcel's acreage and then multiplying the resulting product by the stormwater drainage rate. The REF values for various land uses are as follows:

Classification	Land uses	REF
1	Single-family and duplex	0.25
2	Schools and institutions	1.25
3	Multiple-family residential, churches and governmental buildings	2.50
4	Commercial	5.00

5	Golf courses and open undeveloped areas	0.25
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For the purpose of calculating stormwater drainage fees, all developed one-family and duplex parcels shall be considered to have land equal to one-fourth acre.

- (c) Credits. Property owners who apply for a reduction in fees due to site facilities that improve water quality or reduce its outflow rate must apply for a variance paying the usual variance request fee. The city engineer will review the site and make a recommendation to the city council. There will also be a cap of 25 percent. Any adjustments of stormwater drainage fees shall not be retroactive.
- (d) Payment of fees. Statements for stormwater drainage fee shall be invoiced with the other utility charges and shall be due and payable with same. Whenever possible, any rate increases will be based on the index from the Engineering News Report and rate increases will be made by resolution.
- (e) Penalties and assessment. Penalties for late payment and assessment of unpaid fees are as stipulated by ordinance.

(Code 1993, § 3-5.01(A)—(E))

Secs. 50-67—50-80. - Reserved.

ARTICLE IV. - STREET LIGHT UTILITY SYSTEM

FOOTNOTE(S):

--- (2) ---

Editor's note—Ord. No. 10-01, § 1, adopted Jan. 27, 2009, amended the Code by adding provisions designated as Art. IV, §§ 50-60—50-63. For purposes of classification, said provisions have been included herein as Art. IV, §§ 50-81—50-84. See also the Code Comparative Table.

Sec. 50-81. - Street light utility.

A city street lighting utility system is hereby established and continued. The utility system consists of all street lighting whether owned by the city or otherwise, for which the city purchases and supplies electrical energy from a public utility and any additional facilities acquired or operated by the city in the future.

(Ord. No. 10-01, § 1, 1-27-2009)

Sec. 50-82. - Cost of system.

- (a) The cost of the street lighting utility system are the administrative costs, capital costs, maintenance and energy costs associated with the operation of the street lighting utility system.
- (b) The city council shall by resolution establish a fee schedule to pay for the cost of the street lighting utility system. The city council shall apportion the cost of the system against all developed property in the city. Single family residential property shall be charged based upon a per unit charge and all other property shall be charged based upon a front foot charge.

(c) Street lighting costs shall be billed with water bills.

(Ord. No. 10-01, § 1, 1-27-2009)

Sec. 50-83. - Certification of unpaid bills.

On or before October 1st of each year, the clerk must list the total unpaid charges for street lighting against each separate lot or parcel to which they are attributable. The council will then spread the charges against property benefited as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the county and collection the following year with real estate taxes.

(Ord. No. 10-01, § 1, 1-27-2009)

Sec. 50-84. - Street lighting utility fund.

All fees and assessments received pursuant to this article shall be place in a dedicated fund for the purpose of paying the costs of the street lighting system.

(Ord. No. 10-01, § 1, 1-27-2009)

Chapter 107 - STORMWATER MANAGEMENT

Sec. 107-1. - Statutory authorization.

This chapter is adopted pursuant to Minn. Stats. § [462.351 for cities and towns, and § 394.21 for counties having a population of less than 300,000 according to the 1950 Federal census] (1990).

(Ord. No. 01-01, § 1, 4-25-2001)

Sec. 107-2. - Findings.

The City of Falcon Heights hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City of Falcon Heights to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage.

(Ord. No. 01-01, § 2, 4-25-2001)

Sec. 107-3. - Purpose.

The purpose of this chapter is to promote, preserve and enhance the natural resources within the City of Falcon Heights and protect them from adverse effects occasioned by:

- (1) Poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land;
- (2) Minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and
- (3) Requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

(Ord. No. 01-01, § 3, 4-25-2001)

Sec. 107-4. - Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

Applicant. Any person who wishes to obtain a building permit, zoning or subdivision approval.

Control measure. A practice or combination of practices to control erosion and attendant pollution.

Detention facility. A permanent natural or manmade structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

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

Floodplain. The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

Floodway. The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

Hydric soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Land disturbing or development activities. Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

Person. Any individual, firm, corporation, partnership, franchise, association, or governmental entity.

Public waters. Waters of the state as defined in Minn. Stats. § 103G.005, subdivision 15.

Regional flood. A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

Retention facility. A permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

Sediment. Solid matter carried by water, sewage, or other liquids.

Structure. Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) Have a predominance of hydric soils;
- (2) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) Under normal circumstances support a prevalence of such vegetation.

(Ord. No. 01-01, § 4, 4-25-2001)

Sec. 107-5. - Scope and effect.

- (a) Applicability. Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a stormwater management plan to the city administrator. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the stormwater management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this ordinance. The provisions of section 107-9 of this chapter apply to all land, public or private, located within the City of Falcon Heights.
- (b) Exemptions. The provisions of this chapter do not apply to:
 - (1) Any part of a subdivision if a plat for the subdivision has been approved by the city council on or before the effective date of this chapter;

- (2) Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this chapter;
 - (3) A lot for which a building permit has been approved on or before the effective date of this chapter;
 - (4) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles; or
 - (5) Emergency work to protect life, limb, or property.
- (c) Waiver. The city council, upon recommendation of the planning commission, may waive any requirement of this chapter upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in section 107-6. The city council may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

(Ord. No. 01-01, § 5, 4-25-2001)

Sec. 107-6. - Stormwater management plan approval procedures.

- (a) Application. A written application for stormwater management plan approval, along with the proposed stormwater management plan, shall be filed with the city administrator, and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this chapter. Prior to applying for approval of a stormwater management plan, an applicant may have the stormwater management plans reviewed by the appropriate departments of the city.

Two sets of clearly legible blue or black-lined copies of drawings and required information shall be submitted to the city administrator and shall be accompanied by a receipt evidencing the payment of all required fees for processing and approval as set forth in subsection 107-7(e), and a bond when required by subsection 107-7(d), in the amount to be calculated in accordance with that section. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be one inch equals 100 feet.

- (b) Stormwater management plan. At a minimum, the stormwater management plan shall contain the following information.
- (1) Existing site map. A map of existing site conditions showing the site and immediately adjacent areas, including:
 - a. The name and address of the applicant, the section, township and range, north point, date and scale of drawing and number of sheets;
 - b. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks;
 - c. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet;
 - d. A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;
 - e. Location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate stormwater is conveyed from the site, identifying the receiving stream, river, public

water, or wetland, and setting forth those areas of the unaltered site where stormwater collects;

- f. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable;
 - g. Vegetative cover and clearly delineating any vegetation proposed for removal; and
 - h. One hundred-year floodplains, flood fringes and floodways.
- (2) Site construction plan. A site construction plan including:
- a. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
 - b. Locations and dimensions of all temporary soil or dirt stockpiles;
 - c. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this chapter;
 - d. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this chapter; and
 - e. Provisions for maintenance of the construction site erosion control measures during construction.
- (3) Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes including:
- a. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
 - b. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;
 - c. A drainage plan of the developed site delineating in which direction and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect;
 - d. The proposed size, alignment and intended use of any structures to be erected on the site;
 - e. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and
 - f. Any other information pertinent to the particular project which in the opinion of the applicant is necessary for the review of the project.

(Ord. No. 01-01, § 6, 4-25-2001)

Sec. 107-7. - Plan review procedure.

- (a) Process. Stormwater management plans meeting the requirements of section 107-6, shall be submitted by the city administrator to the planning commission for review in accordance with the standards of section 107-8. The commission shall recommend approval, recommend approval with conditions, or recommend denial of the stormwater management plan. Following planning commission action, the stormwater management plan shall be submitted to the city council at its next available

meeting. City council action on the stormwater management plan must be accomplished within 120 days following the date the application for approval is filed with the zoning administrator.

- (b) Duration. Approval of a plan submitted under the provisions of this chapter shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the [planning department, department of community development, zoning administrator] for an extension of time to commence construction setting forth the reasons for the requested extension, the planning department may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the [planning department, department of community development, zoning administrator] within 15 days. The [planning department, department of community development, zoning administrator] shall make a decision on the extension within 30 days of receipt. Any plan may be revised in the same manner as originally approved.
- (c) Conditions. A stormwater management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this ordinance are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance to the City of Falcon Heights or other public entity of certain lands or interests therein.
- (d) Performance bond. Prior to approval of any stormwater management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easements, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a bond to cover the amount of the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with subsection (b) of this section.

The adequacy, conditions and acceptability of any agreement and bond shall be determined by the city council or any official of the City of Falcon Heights as may be designated by resolution of the city council.

- (e) Fees. All applications for stormwater management plan approval shall be accompanied by a processing and approval fee of \$300.00.

(Ord. No. 01-01, § 7, 4-25-2001)

Sec. 107-8. - Approval standards.

- (a) Approval. No stormwater management plan which fails to meet the standards contained in this section shall be approved by the city council.
- (b) Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.
- (c) Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (d) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
- (e) Drain inlet protection. All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design

criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas."

- (f) Site erosion control. The following criteria (subsections (1) through (5)) apply only to construction activities that result in runoff leaving the site.
 - (1) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than one-half foot per second across the disturbed area for the one-year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 - (2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
 - (3) Runoff from the entire disturbed area on the site shall be controlled by meeting either subsections a. and b. or a. and c.
 - a. All disturbed ground left inactive for 14 or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.
 - b. For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - c. For sites with less than ten acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule.
 - (4) Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the stormdrain inlets must be protected with straw bale or other appropriate filtering barriers.
- (g) Stormwater management criteria for permanent facilities.
 - (1) An applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage increased runoff so that the two-year, ten-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.
 - (2) The applicant shall give consideration to reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural

swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

- (3) The following stormwater management practices shall be investigated in developing a stormwater management plan in the following descending order of preference:
 - a. Natural infiltration of precipitation on-site;
 - b. Flow attenuation by use of open vegetated swales and natural depressions;
 - c. Stormwater retention facilities; and
 - d. Stormwater detention facilities.
 - (4) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (1), above. Justification shall be provided by the applicant for the method selected.
- (h) Design standards. Stormwater detention facilities constructed in the City of Falcon Heights shall be designed according to the most current technology as reflected in the MPCA publication "Protecting Water Quality in Urban Areas", and shall contain, at a minimum, the following design factors:
- (1) A permanent pond surface area equal to two percent of the impervious area draining to the pond or one percent of the entire area draining to the pond, whichever amount is greater;
 - (2) An average permanent pool depth of four to ten feet;
 - (3) A permanent pool length to width ratio of three to one or greater;
 - (4) A minimum protective shelf extending ten feet into the permanent pool with a slope of ten to one, beyond which slopes should not exceed three to one;
 - (5) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet) [this width is consistent with the draft rules developed by the Board of Water and Soil Resources under the Wetland Conservation Act of 1991];
 - (6) All stormwater detention facilities shall have a device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations;
 - (7) Stormwater detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the ten-year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the stormwater management plan;
 - (8) All stormwater detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.
- (i) Wetlands.
- (1) Runoff shall not be discharged directly into wetlands without presettlement of the runoff.
 - (2) A protective buffer strip of natural vegetation at least one rod (16.5 feet) in width shall surround all wetlands. [This width is consistent with the draft rules developed by the Board of Water and Soil Resources under the Wetland Conservation Act of 1991.]
 - (3) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:
 - a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
 - b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity, and
 - e. Compensating for the impact by replacing or providing substitute wetland resources or environments. [Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the rules which will be adopted by the Board of Water and Soil Resources to implement the Wetland Conservation Act of 1991.]
- (j) Steep slopes. No land disturbing or development activities shall be allowed on slopes of 18 percent or more.
 - (k) Catch basins. All newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse-grained material. Such basins shall be cleaned when they are half filled with material.
 - (l) Drain leaders. All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.
 - (m) Inspection and maintenance. All stormwater management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff. The director of public works, or designated representative, shall inspect all stormwater management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the public works department for a period of six years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.
 - (n) Models/methodologies/computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the director of public works. Plans, specification and computations for stormwater management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the director of public works.
 - (o) Watershed management plans/Groundwater management plans. Stormwater management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minn. Stats. §§ 103B.231 and 103B.255, respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with state law.
 - (p) Easements. If a stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

(Ord. No. 01-01, § 8, 4-25-2001)

Sec. 107-9. - Lawn fertilizer regulations.

- (a) Use of impervious surfaces. No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within stormwater drainage systems, natural drainage ways, or within wetland buffer areas.
- (b) Unimproved land area. Except for driveways, sidewalks, patios, areas occupied by structures or areas which have been improved by landscaping, all areas shall be covered by plants or vegetative growth.

- (c) Fertilizer content. Except for the first growing season for newly established turf areas, no person shall apply liquid fertilizer which contains more than one-half percent by weight of phosphorus, or granular fertilizer which contains more than three percent by weight of phosphorus, unless the single application is less than or equal to one-tenth pound of phosphorus per 1,000 square feet. Annual application amount shall not exceed one half pound of phosphorus per 1,000 square feet of lawn area.
- (d) Buffer zone. Fertilizer applications shall not be made within one rod (16.5 feet) of any wetland or water resource. [This distance is consistent with the draft rules developed by the Board of Water and Soil Resources under the Wetland Conservation Act of 1991.]

(Ord. No. 01-01, § 9, 4-25-2001)

Sec. 107-10. - Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$5.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 01-01, § 10, 4-25-2001)

Chapter 113 - ZONING

FOOTNOTE(S):

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State Law reference— Zoning generally, Minn. Stats. § 462.357.

ARTICLE I. - IN GENERAL

Sec. 113-1. - Purpose and intent.

The purpose and intent of this chapter is to:

- (1) Protect and promote the health, safety, comfort, convenience and general welfare of the people who are citizens of, reside in, transact business in or own property in the city;
- (2) Divide the city into zones and districts to restrict and regulate therein the location, construction, reconstruction, alteration and improvements of land and structures thereon;
- (3) Promote the orderly development of the residential, business, industrial, recreational, and public uses;
- (4) Provide adequate light, air, and convenience of access to property;
- (5) Limit congestion in the public rights-of-way;
- (6) Prevent overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them;
- (7) Provide for the compatibility of different land uses and the most appropriate use of land throughout the city;
- (8) Stage development and redevelopment to coincide with the availability of necessary public services;
- (9) Protect the character and maintain the stability of residential, business, and commercial and industrial areas within the city, and prohibit uses, buildings, or structures which are incompatible with the character of development in such areas;
- (10) Provide adequate privacy;
- (11) Provide protection against fire, explosions, obnoxious fumes, and other hazards in the interest of public health, safety and comfort;
- (12) Prevent environmental pollution;
- (13) Prevent the destruction or improvident exploitation of community resources;
- (14) Preserve the value of land and buildings throughout the city;
- (15) Provide for the gradual elimination of those uses of land, buildings, structures, and improvements, and of those buildings, structures and improvements, which do not conform to the standards for the areas in which they are located and which may adversely affect the development and the value of property in such areas;
- (16) Provide for the regulation and control of such nonconforming buildings, structures, or improvements and uses of land as is necessary or appropriate for the rehabilitation of the areas blighted thereby;

- (17) Provide for the enforcement of this chapter, to define and limit the powers and duties of the administrative officers and agencies responsible therefor, and to provide penalties for the violation of the provisions herein contained;
- (18) Provide for the wise use and conservation of energy resources; and
- (19) Assist in the implementation of the comprehensive city plan.

(Code 1993, § 9-1.01)

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

Sec. 113-2. - Chapter cumulative.

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

(Code 1993, § 9-1.02(1))

Sec. 113-3. - Definitions.

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

Accessory building means a subordinate building, or a portion of the main building, which is located on the same lot as the main building and the purpose of which is clearly incidental to that of the principal building.

Accessory use means a use incidental or subordinate to the principal use of the same land.

Administrator means the zoning administrator of the city.

Adult uses, defined but not allowed in any district, and includes the following:

- (1) Adult entertainment center means an enclosed building or a part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or the charging of any admission or fee for the viewing of any such activity.
- (2) Adults-only bookstore means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined in this section, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.
- (3) Adults-only motion picture theater means an enclosed building used regularly and routinely for presenting programs, material distinguished or characterized by an emphasis on matter depicting,

describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined in this section, for observation by patrons therein.

- (4) Massage parlor means an establishment or place primarily in the business of providing massage services but not a therapeutic massage enterprise as defined in this section.
- (5) Rap parlor means an establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults.
- (6) Sauna means an establishment or place primarily in the business of providing a steam bath and massage services.

Affordable apartment building means that at least 50 percent of the units are reserved for persons whose income is no more than 60 percent of the median, an additional 20 percent of the units are reserved for persons whose income is no more than 110 percent of the median and at least ten percent of the units are reserved for persons whose income is no more than 150 percent of the median for the Twin Cities metropolitan area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Area, net developable means those lands within a development parcel remaining after the deletion of floodplains, wetlands, slopes greater than 12 percent, and unbuildable easements or rights-of-way.

Attorney means the city attorney of Falcon Heights.

Auto or motor vehicle reduction yard means a lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding of parts, sale as scrap, storage, or abandonment. (See also Junkyard.)

Automobile repair establishments means establishments primarily engaged in general automotive repair, including the installation, repair, or sale and installation of automotive exhaust systems and automotive transmissions.

Automobile service station (gas station; service station) means a place where any motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. This definition includes greasing, oiling or sale of automobile accessories on the premises. This definition also includes minor repairs and replacement of 1½ tons capacity. This definition includes a private site where sales and service are not offered to the general public but motor fuel is stored and deliveries are made directly to employee, company owned, or leased motor vehicles. Such private service stations shall comply with all standards as outlined in section 113-383.

Barbershops means establishments primarily engaged in furnishing barber and men's hair styling services, including barber colleges.

Basement means a portion of a building between the floor and ceiling, located partly above and partly below grade and having one-half or less of its floor-to-ceiling height below the average grade of the adjoining ground. Underground houses that meet all other requirements of the building code shall not be considered basements.

Beauty shops means establishments primarily engaged in furnishing beauty or hairdressing services. Beauty and cosmetology schools are included in this industry. Beauty shops include beauty and barber shops (combined), beauty culture schools, beauty shops or salons, cosmetology shops or salons, facial salons, hairdressers, manicure and pedicure salons, and unisex hairdressers.

Boardinghouse means a building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging are provided for three or more unrelated persons.

Building means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.

Building code means the Minnesota State Building Code as adopted by the city.

Building height means the vertical distance between the lowest grade level at the building line and the uppermost point on the roof.

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

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

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

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

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

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

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

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

Club or lodge means a nonprofit association of persons who are bona fide members paying annual dues, and the use of their premises being restricted to members and their guests. Serving of alcoholic beverages to members and their guests may be allowed providing such serving is secondary and incidental to the operation of a dining room for the purpose of serving food and meals.

Commercial art services means establishments primarily engaged in providing commercial art or graphic design services for advertising agencies, publishers, and other business and industrial users.

Commercial automobile repair means the replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission, or differential; incidental body and fender work, minor painting and upholstery service when said service is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross vehicle weight.

Commercial food producing farm operations. See Farm, rural.

Commercial photography services means establishments primarily engaged in providing commercial photography services for advertising agencies, publishers, and other business and industrial users.

Commercial recreation means bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, tavern, theater, firearms range and similar uses.

Community means the City of Falcon Heights except as otherwise indicated.

Comprehensive municipal plan means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned execution, documented in texts, ordinance, code and maps, which constitute the guide for the future development of the community or any portion of community, as on file with the city planning commission. This shall include the city comprehensive plan and all subsequent amendments, additions, and elements developed as per requirements of the Metropolitan Land Planning Act (Minn. Stats. §§ 473.851—473.871)

Computer programming, and data processing services means establishments primarily engaged in providing computer programming and data preparation and processing services. Establishments of this industry perform a variety of additional services, such as computer software design and analysis; modifications of custom software; and training in the use of custom software. Also included are application software programming, computer code authors, computer programs or systems software development (custom), computer software writers (freelance), software programming, calculating service, computer time-sharing, data entry, data processing, data verification, keypunch, leasing of computer time, optional scanning, rental of computer time, service bureaus (computer), and tabulating.

Conditional use means a use which is generally appropriate in a specified zoning district but requires special planning considerations and, in certain instances, unusual and extraordinary limitations peculiar to the use for the protection of the public health, safety and welfare or the integrity of the Falcon Heights comprehensive plan.

Condominium. See Dwelling, multiple or apartment building.

Convenience store means a retail establishment that generally sells a limited range of food products, nonprescription drugs, candy and other perishable goods. This includes soda and similar beverage dispensing and food products, which can be heated and/or prepared on site.

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

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

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

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

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

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

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

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

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

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

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

Drugstores/pharmacies means establishments engaged in the retail sale of prescription drugs, proprietary drugs, and nonprescription medicines, and which may also carry a number of related lines, such as cosmetics, toiletries, tobacco, and novelty merchandise. These stores are included on the basis of their usual trade designation rather than on the stricter interpretation of commodities handled. This industry includes drugstores which also operate a soda fountain or lunch counter.

Dwelling means a building or one or more portions thereof occupied or intended to be occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, boardinghouses, nor trailers, tents, cabins, or trailer coaches. (See also Dwelling unit.)

Dwelling, attached, means a dwelling that is joined to another dwelling at one or more sides by a party wall or wall.

Dwelling, detached, means a dwelling that is entirely surrounded by open space on the same lot.

Dwelling, duplex or two-family, means a residential building containing two complete dwelling units.

Dwelling, multiple or apartment building, means a residential building, or portion of a building, containing two or more dwelling units which may or may not be served by a common entrance.

Dwelling, seasonal, means a residential building not capable of yearround occupancy due to nonwinterized construction or inadequate nonconforming yearround on-site sewer treatment systems.

Dwelling, single, means a residential building containing one detached dwelling unit.

Dwelling, townhouse, means a residential building containing two or more dwelling units with at least one common wall, each unit so oriented as to have all exits directly to the out-of-doors.

Dwelling unit means a residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used, or intended for use exclusively as living quarters for one family.

Earth-sheltered buildings means any building constructed so that 50 percent or more of the exterior surface is covered or in contact with earth. Exterior surface includes all walls and roof, but excludes garages and other accessory buildings. Earth covering on walls is measured from the floor of the structure's lowest level. Earth covering on the roof must be at least 12 inches deep to be included in calculations of earth covering. Partially completed buildings shall not be considered earth-sheltered buildings. Earth-sheltered buildings are permitted by conditional use permit only.

Eating establishments means establishments primarily engaged in the retail sale of prepared food and drinks for on-premises or immediate consumption. Caterers and industrial and institutional food service establishments are also included in this industry.

Educational institution means a college or university authorized by the state to award degrees.

Engineer means the City Engineer of Falcon Heights.

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

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

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

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

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

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

Farm, suburban (agriculture) means a suburban farm is a noncommercial food-producing use primarily intended for the use of the residents, and usually on less than ten contiguous acres. Suburban agricultural uses may include production of crops such as fruit trees, shrubs, plants, flowers, vegetables, and domestic pets.

Farmer's market means an open-air public market at which vendors sell farm products directly to consumers.

Feed lot means the place of housing or feeding of livestock or other animals for food, fur, pleasure, or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial amounts of manure or related other wastes may originate by reason of such feeding of animals.

Fence means a partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier, or enclosure.

Fill means any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported and shall include the conditions resulting therefrom.

Final plat means a drawing or map of an approved subdivision, meeting all requirements of the subdivision chapter, and in such form as required by the community for purposes of recording.

Financial institution means a place of business where people store, borrow and exchange money including banks, trust companies, savings banks, savings and loan associations, credit unions, check cashing facilities, and loan and thrift companies.

Firearm means any weapon (including starter gun) which will, can, or is designed to, or may readily be converted to expel any missile, projectile, bullet or other mass through a barrel by means of explosives or gas or air or electronic mechanism, and any frame, receiver, muffler or silencer of any such weapon, but excluding the following: children's toy guns, "BB" guns, antique firearms, scuba guns, medical instruments, industrial tools such as stud and nail guns and any replica of any firearm which replica cannot, is not designed to, and cannot be readily converted to, expel any missile, projectile, bullet or other mass through a barrel by any means.

Firearm, antique means any firearms (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898.

Firearms dealer means a person who is federally licensed to sell firearms and operates a gun shop in which firearms are sold from a permanent business location or any person engaged in the business of repairing firearms or making or fitting special barrels, stocks or trigger mechanisms to firearms.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain or flood prone area means any land area susceptible to being inundated by water from any source (see Flood).

Flood-proofing means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor area means a gross area of the main floor of a residential building measured in square feet and not including an attached garage, breezeway, or similar attachment.

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

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

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

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

Food stores means retail stores primarily engaged in selling food for home preparation and consumption. Included are grocery and convenience food stores, meat and fish markets, fruit and vegetable

markets, candy, nut, and confectionery stores, dairy products stores, retail bakeries, retail coffee stores, spice and herb stores, retail water and mineral water stores, and vitamin food stores.

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

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

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

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

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

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

Governing body means the city council.

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

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

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

Health care, offices and clinics means establishments of health practitioners engaged in furnishing medical, surgical and other health services to persons, but does not include inpatient health care services. Included are individual practitioners, group clinics in which a group of practitioners are associated for the purpose of carrying on their profession, and clinic which provide the same services through practitioners that are employees. Practitioners may or may not be licensed or certified, depending on state law.

Home furnishing; appliance and equipment stores means retail stores selling goods used for furnishing the home such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, other household electrical and gas appliances, radios, televisions, computers and software, consumer electronics, prerecorded audio and video tapes and discs, music, and musical instruments. Establishments selling electrical and gas appliances are included in this group only if the major part of their sales consists of articles for home use.

Home occupation means any gainful occupation or profession, engaged in by the occupant only, of a dwelling and carried on within a dwelling unit and not in any accessory building.

Hotels and motels means commercial establishments, known to the public as hotels, motor hotels, motels, or tourist courts, primarily engaged in providing lodging, or lodging and meals, for the general public. Hotels which are operated by membership organizations and open to the general public are included in this industry. Also included are auto courts, bed and breakfast inns, cabins and cottages, casino hotels, hostels, hotels (except residential), inns (furnishing food and lodging), motels, recreational hotels, resort hotels, seasonal hotels, ski lodges and resorts, tourist cabins, and tourist courts.

Institutional housing means housing for students, nurses, the mentally ill, infirm, elderly, physically retarded, and similar housing of a specialized nature.

Junkyard means an area where discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including but not limited to scrap iron and other metals,

papers, rags, rubber products, bottles, and used building materials. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

Kennel, commercial, means any place where four or more of any type of domestic pets, over four months of age, are boarded, bred, trained, or offered for sale.

Kennel, private, means any place where four or more of any type of domestic pets, over four months of age, are owned by any member or members of the household.

Land alteration means the excavation or grading of land involving movement of earth and materials in excess of 100 cubic yards.

Land reclamation means the reclaiming of land by depositing material so as to elevate the grade or depositing of a total of more than 50 cubic yards of material per lot or parcel, either by hauling in or regrading the area.

Landscaping means planting trees, shrubs, and turf such as grasses and shrubs.

Laundries, power, means establishments primarily engaged in opening mechanical laundries with steam or other power. Included are family and commercial power laundries, and laundry collecting and distributing outlets operated by power laundries.

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

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

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

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

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

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

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

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

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

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

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

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

Lot line, front, means that boundary of a lot which abuts a public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are

equal, the front lot line shall be designated by the owner. In the case of a corner lot in a nonresidential area, the lot shall be deemed to have frontage on both streets.

Lot line, rear, means that boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot line, side, means any boundary of a lot which is not a front lot line or a rear lot line.

Lot, through and double frontage mean:

- (1) Any lot other than a corner lot which abuts more than one street. On a through lot, all the street lines shall be considered the front lines for applying this chapter; or
- (2) A lake or stream frontage lot having a public road as one lot line and a water body at the opposite lot line.

Lot width means the horizontal distance between the side lot lines of a lot measured at the setback line.

Mailing services means establishments primarily engaged in furnishing services for direct mail advertising, such as creating, producing, and mailing of direct mail advertising. This industry also includes establishments primarily engaged in compiling and selling mailing lists.

Manufacturing, general, means all manufacturing, pounding, processing, packaging, treatment, or assembly of goods or materials which involve a risk of offensive or dangerous noise, odor, or pollution beyond the lot on which the use is located. Such uses include, but are not limited to, the following: sawmill; refineries; commercial feedlots; acid; cement; explosives; flour, feed, and grain milling or storage; meat packing, slaughterhouses; coal or tar asphalt distillation; rendering of fat, grease, lard, or tallow; alcoholic beverages; poisons; exterminating agents; glue; lime; gypsum; plaster of Paris; tanneries; automobile parts; paper and paper products including storage; electric power generation facilities; vinegar works; junkyards; auto reduction yards; foundry; forge; casting of metal products; rock, stone, cement products, poultry keeping, processing and slaughter.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities.

Manufacturing, limited, means all compounding, processing, packaging treatment, or assembly of goods and materials, provided such use will not involve the risk of offensive odors, glare, smoke, dust, noise, vibrations, or other pollution extending beyond the lot on which the use is located. Such uses include, but are not limited to, the following: lumberyards, machine shops, products assembly, sheet metal shops, plastics, electronics, general vehicle repair (repair garage), body work and painting, contractor shops and storage yard, food and nonalcoholic beverages, signs and displays, printing, publishing, fabricated metal parts, appliances, clothing, textiles, and used auto parts.

Manure means any solid or liquid containing animal excreta.

Massage means any method of pressure on, or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating, or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

Measured distances means the nearest foot. If a fraction is one-half foot or less, the "integral foot" next below shall be taken.

Medical uses means those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals, dental services, medical services or clinic, nursing or convalescent home, orphan's home, rest home, and sanitarium.

Miscellaneous retail establishments means retail establishments which fall into the following categories: drugstores, liquor stores, used merchandise stores (including antiques), miscellaneous

shopping goods stores (sporting goods and bicycles, books, stationary, jewelry, hobby and toys, camera and photographic supplies, gift and novelty, luggage and leather, and sewing), nonstore retailers (catalog and mail order houses, automatic merchandising machine operators, and direct selling establishments), florists, tobacco stores and stands, news dealers and newsstands, optical goods stores and other miscellaneous retail establishments.

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

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

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

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

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

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

Municipality means the City of Falcon Heights.

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

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

Noise, ambient, means the all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominant source.

Nominal five-acre parcel means a five-acre parcel not reduced by more than ten percent due to road right-of-way dedication.

Nonconforming use or lot means any legal use or lot already in existence, recorded or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written.

Nudity means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

Nursery, day, means a use where care is provided for three or more children under kindergarten age for periods of four hours or more per day for pay.

Nursery, landscape, means a business growing and selling trees, flowering and decorative plants, and shrubs which may be conducted within a building or without (commercial production).

Nursing home means a building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the state as provided by law.

Office uses means those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired, including, but not limited to, banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, and similar uses.

Official control means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the comprehensive municipal plan. Such official controls may include, but are not limited to, ordinances or the code establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps.

Official map means a map adopted in accordance with the provisions of Minn. Stats. § 462.59.

Open sales lots means lands devoted to the display of goods for sale, rent, lease, or trade, where such goods are not enclosed within a building.

Open storage means storage of any material outside of a building.

Outdoor means activity conducted outside of a permanent structure or building.

Owner means all persons with an interest in a property as fee simple owner, life estate holder, encumbrancer, or otherwise.

Paint, glass, and wallpaper stores, retail, means establishments engaged in selling primarily paint, glass, and wallpaper, or any combination of these lines, to the general public. While these establishments may sell primarily to construction contractors, they are known as retail in the trade. Establishments which do not sell to the general public or who are known in the trade as wholesale are excluded.

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

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

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

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

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

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

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

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

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

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

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

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

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

Precious metals means silver, gold, and platinum.

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

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

Protective or restrictive covenant means a contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

Public land means land owned and/or operated by a governmental unit, including school and other special districts.

Public utility means persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or landline telephone service to the general public. For the purpose of this chapter, personal wireless services shall not be considered public utility uses, and are defined separately.

Radio broadcasting stations means establishments primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial religious, educational, and other radio stations. Also included are establishments primarily engaged in radio broadcasting and which produce radio program materials.

Recreation equipment means play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 25 feet in length, picnic tables, lawn chairs, barbecue stands and similar equipment or structures, but not including tree houses, swimming pools, playhouses exceeding 25 square feet in floor area, or sheds utilized for storage of equipment.

Recreational vehicle means any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications:

- (1) It is not used as the permanent residence of the owner or occupant;
- (2) It is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities;
- (3) It is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities;
- (4) Examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained self-propelled truck chassis mounted vehicles providing living accommodations.

Renewable energy easement means an easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Renewable energy system means a solar energy or wind energy system. Passive systems that serve dual functions, such as greenhouses or windows, are not considered renewable energy systems.

Research laboratory means an establishment or other facility for carrying on an investigation in the natural, physical, or social sciences, which may include engineering and product development. This

definition does not include research laboratories operated by a school or educational institution. Research laboratories owned or operated by schools or educational institutions shall be defined as schools.

Retail business uses means stores and shops selling personal carriers or goods over a counter.

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

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

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

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

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

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

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

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

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

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

Secretarial and stenographic services means establishments primarily engaged furnishing secretarial, typing, word processing, resume writing, and court reporting services. This category also includes the services of editing, letter writing, and proofreading.

Setback yard means the minimum horizontal distance between a structure and street right-of-way, lot line, or other reference point as provided by ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

Sexual conduct means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, her breast.

Sexual excitement means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Shooting gallery means a covered shooting range equipped with targets for practice with firearms.

Shopping center means any grouping of two or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

Sign means a display, illustration, structure, or device which directs attention to an object, product, place, activity, person, institution, organization, or business.

- (1) Sign, advertising. A sign that directs attention to a business or profession or commodity, service, or entertainment not sold or offered upon the premises, where such sign is located or to which it is attached.
- (2) Sign area. The entire area within the continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part of border of the sign. The maximum square footage of multifaced signs shall not exceed two times the allowed square footage of a single-faced sign.
- (3) Sign, business. A sign that directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
- (4) Sign, courtesy bench. A sign which is affixed to a courtesy bench or shelter.
- (5) Sign, dynamic display. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure or any other component of the sign. This includes displays that incorporate technology or methods allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components as well as any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images or displays.
- (6) Sign, flashing. An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use.
- (7) Sign, ground. A sign which is supported by one or more uprights, poles, or braces in or upon the ground.
- (8) Sign, identification. A sign which identifies the inhabitant of the dwelling or occupant of a building.
- (9) Sign, illuminated. A sign which is lighted with an artificial light source.
- (10) Sign, motion. A sign that has moving parts or signs which produce moving effects through the use of illumination.
- (11) Sign, nameplate. A sign which states the name and/or address of the business, industry, or occupant of the site and is attached to said building or site.
- (12) Sign, pedestal. A ground sign usually erected on one central shaft or post which is solidly affixed to the ground.
- (13) Sign, permanent. Any sign on a lot or parcel of land more than 365 consecutive days.
- (14) Sign, real estate. A sign offering property (land and/or buildings) for sale, lease, or rent.
- (15) Sign, roof. A sign erected upon or above a roof or parapet of a building.
- (16) Sign, shopping center or industrial park. A business sign designating a group of shops or offices (more than three).
- (17) Sign, structure. The supports, uprights, braces, and framework of the sign.

(18) Sign, temporary or seasonal. A sign placed on a lot or parcel of land for a period not to exceed 90 days out of any 12-month period.

(19) Sign, wall. A sign attached to or erected against the wall of a building with the exposed face of the sign a plane parallel to the plane of said wall.

(20) Sign, warning. A sign which warns the public of a danger, or hazard in the immediate vicinity and is obviously not intended for advertising purposes.

Solar means rays from the sun.

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

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

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

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

Solar energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar energy device means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.

Solar energy easement See "renewable energy easement."

Solar energy system means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

Solar heat exchanger means a component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar hot water system means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar mounting devices means devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar storage unit means a component of a solar energy device that is used to store solar generated electricity or heat for later use.

Solar system, active means a solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar system, building-integrated means an active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

Solar system, grid-intertie means a photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

Solar system, off-grid means a photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Solar system, passive means a solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Special event means any temporary, outdoor privately-sponsored event open to the general public and held on privately owned property except:

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

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

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

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

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

Street, collector, means a street that serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road or as designated on the comprehensive municipal plan.

Street, major or thoroughfare, means a street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between neighborhoods and/or other heavy traffic-generating areas or as designated on the comprehensive municipal plan.

Street, minor, means a street intended to serve primarily as an access to abutting properties.

Street pavement means the wearing or exposed surface of the roadway used by vehicular traffic.

Street width means the width of the right-of-way measured at right angles to the centerline of the street.

Structural alteration means any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

Structure for floodplain management purposes, means a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes recreational vehicles and travel trailers on site for more than 180 days.

Studio means a facility where students study or practice fine arts, pottery, or martial arts.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure regardless of the actual work performed. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a historic structure.

Subdivision means a described tract of land, which is to be, or has been divided into two or more lots or parcels for the purpose of transfer of ownership, building development, or for tax assessment purposes. The term includes resubdivision and where it is appropriate to the context, relates to either the process of subdividing, or to the land subdivided, or to the development for which it is being subdivided.

Substandard structure means any building or structure lawfully existing on the effective date of the ordinance from which this chapter is derived or any amendment thereto which building or structure does not conform with the regulations, including dimensional standards, for the district in which it is located after the effective date of the ordinance from which this chapter is derived or such amendment.

Supper club means a building with facilities for the preparation and serving of meals and where meals are regularly served at tables to the general public. The building must be of sufficient size and design to permit the serving of meals to not less than 50 guests at one time. Intoxicating liquors may be sold on-sale and live entertainment and/or dancing shall be permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Video rental stores means establishments primarily engaged in renting recorded videotapes and discs to the general public for personal or household use.

Warehousing means the storage, packing, and crating of materials or equipment, within an enclosed building or structure.

Wholesaling means the selling of goods, equipment, and materials by bulk to another person who in turn sells the same to customers.

Yard setback means the open space of an occupied lot that is not covered by any principal structure.

- (1) Yard, front setback, means a yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest building line.
- (2) Yard, rear setback, means a yard extending across the rear of the lot between the inner side yard lines and lying between the rear line of the lot and the nearest building line.
- (3) Yard, required setback, means a yard area which may not be built on or covered by structures because of the setbacks for said structures within the zoning district.
- (4) Yard, side setback, means a yard between the side line of the lot and the nearest building line.

Zoning district means an area or areas within the city in which the regulations and requirements of this chapter are uniform.

(Code 1993, § 9-1.02(2), subd. 2; Ord. No. 0-91-2, 1-23-1991; Ord. No. 0-91-8, § 1, 5-22-1991; Ord. No. 0-93-06, § 2, 6-23-1993; Ord. No. 0-94-05, § 1, 3-23-1994; Ord. No. 0-95-01, § 1, 5-

10-1995; Ord. No. 95-04, § 1, 5-24-1995; Ord. No. 0-97-01, § 2, 2-12-1997; Ord. No. 97-07, § 1, 9-24-1997; Ord. No. 0-99-09, § 1, 12-15-1999; Ord. No. 00-02, § 1, 7-26-2002; Ord. No. 03-02, § 1, 2-12-2003; Ord. No. 05-01, § 1, 1-12-2005; Ord. No. 06-03, § 1, 9-13-2006; Ord. No. 07-03, § 1, 1-10-2007; Ord. No. 08-03, § 1, 8-27-2008; Ord. No. 09-02, § 1, 8-12-2009; Ord. No. 10-06, § 1, 9-8-2010; Ord. No. 12-03, § 1, 5-9-2012; Ord. No. 13-01, § 1, 4-10-2013; Ord. No. 13-02, § 1, 5-22-2013; Ord. No. 13-05, § 1, 11-13-2013)

State Law reference— Earth-sheltered buildings defined, Minn. Stats. § 216C.06, subd. 14; zoning provisions related to earth-sheltered buildings, Minn. Stats. § 436.357, subd. 1.

Sec. 113-4. - Application and interpretation.

- (a) Interpretation. In the interpretation and application of the provisions of this chapter, the provisions thereof shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and welfare of the citizens and residents of the city.
- (b) Conformance. No structure or improvement shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner that is not in conformity with the provisions of this chapter.
- (c) District uses. The uses as set out in the provisions for the various districts shall be the uses allowed under this chapter.

(Code 1993, § 9-2.01)

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

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

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

- (b) Unlawful use, buildings, and structures. No unlawful use of property existing on the effective date of the ordinance from which this chapter is derived nor any building or structure which is unlawfully existing on such day shall be deemed a nonconforming use or a nonconforming building or structure.
- (c) Nonconforming structures under construction. Any nonconforming structure that is ready for or under construction on the effective date of the ordinance from which this chapter is derived may be completed and occupied in accordance with the requirements of any valid building permit issued therefor prior to such effective date.
- (d) Change from one nonconforming use to another. A nonconforming use may be changed only to a use permitted in the district in which it is located; except that if no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restrictive classification, and provided such change is approved by the city council. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use, all or partially conducted in a building or buildings, may be changed to another

nonconforming use only upon determination by the city council, after a public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace and that there is no conforming use available for the building or buildings. In determining relative "detriment," the planning commission shall take into consideration, among other things, traffic-generated, nuisance characteristics, such as emission of noise, dust, and smoke; fire hazard; and hours and manner of operation.

(e) Additions and enlargements.

- (1) Conforming use. A nonconforming building or structure for a conforming use may be expanded provided that the expansion does not increase the nonconformity of the building or structure and is in compliance with other Code requirements.
- (2) Nonconforming use. A nonconforming building or structure designed or intended for a nonconforming use may not be added to or enlarged structurally.
- (3) Land. The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded, intensified or extended beyond the area it occupies.

(f) Relocation of building or structure.

- (1) Requirements. Whenever an existing building is to be moved from its present location to a location within the city, the person or business association proposing to move said structure should first comply with the following specific requirements:
 - a. File an application for a permit within 60 days of the moving date with the zoning administrator providing the following information:
 1. Location from which structure or building is being moved;
 2. Location within the city to which the building or structure is being moved;
 3. Construction plans for the building, if available;
 4. The site plan for the location in the city upon which the building or structure is going to be placed;
 5. Plans and specs which shall include the foundation; exterior repairs and improvements, including windows and doors; roofing, electrical and plumbing modifications; heating systems; and any necessary interior reconstruction decorating, all to be in accordance with applicable building codes and which shall indicate that the structure once moved shall be in reasonable conformance with surrounding property including but not limited to sodding, grading and planting.
 - b. Upon presentation of this application, deposit the fee as established by the city with the zoning administrator to defray costs incurred by the city in processing the application, inspecting the building and doing whatever else is necessary to determine whether the building conforms with or can be made to conform with existing codes. If any portion of the escrow payment required is not used, the amount remaining shall be returned to the petitioner following satisfactory completion of subsection (f)(1)d. of this section.
 - c. If the city requires an additional deposit to guarantee any street repairs that may be required following the process of moving the building, deposit such amount up to maximum established by the council with the zoning administrator. Any unused portion of such deposit will be returned to the petitioner following satisfactory completion of subsection (f)(1)d. of this section.
 - d. Furnish a surety bond to the city in the amount of 1½ times the estimated costs of remodeling, refurbishing or otherwise constructing or reconstructing such building in accordance with the plans and specifications and the city's building code and such bond shall be further conditioned that work will be completed within 90 days of issuance of the permit. The bond shall operate in favor of the city and shall hold the city harmless from any

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

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

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

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

Sec. 113-6. - Lot provisions.

- (a) Use of nonconforming lots. A lot of record existing upon the effective date of the ordinance from which this chapter is derived, which does not meet the requirements of this chapter as to area or width, but which meets all other chapter requirements, may be utilized for single-family detached dwelling purposes provided it is zoned residential and the measurements of such area or width are within 662/3 percent of the requirements of this chapter, but said lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this chapter.
- (b) Building restriction. Except in the case of planned unit developments (PUDs) as provided for hereinafter, not more than one principal building shall be located on a lot.

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

Secs. 113-7—113-30. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 113-31. - Enforcement; violations; penalties.

- (a) Zoning administrator and city attorney. The zoning administrator, with the assistance of the city attorney, shall have the authority to enforce, and be responsible for the enforcement of this chapter. Any complaint received shall be promptly investigated by the zoning administrator. If the matter cannot be adjusted by the zoning administrator to the satisfaction of the complainant, he or she shall promptly be reported to the city attorney, who shall then proceed to enforce the chapter according to its provisions following approval and receipt of instructions from the city council.
- (b) Violations; cancellation of permits. If any condition in any permit, including variances and conditional use permits, is violated, the zoning administrator shall serve notice on the owner of the permit that unless the violation is corrected in the time set by the zoning administrator, not to exceed ten days, the permit shall at the expiration of said period be terminated, provided, that if said owner shall within a period of 20 days from the service of said notice, correct the violation, the order shall be stayed until the appeal has been heard. Said notice shall be served either by personal service or by registered or certified mail, the period herein provided shall be extended by three days, not counting Saturdays, Sundays, or legal holidays. If an appeal is filed, it shall be processed as provided in this chapter. If there is no appeal, or if on appeal the zoning administrator is sustained, the permit shall terminate and the zoning administrator shall refer the matter to the city attorney for such action as is required under this chapter.
- (c) Injunctive relief. The zoning administrator, upon approval of the city council, shall have the authority to petition the district court of the county, or such court as shall have jurisdiction to hear the matter, for injunctive relief against continued violations of any of the provisions of this chapter. It shall be the duty of the city attorney to represent the zoning administrator in the action.

(Code 1993, § 9-15.07)

State Law reference— Zoning violations, Minn. Stats. § 462.362.

Sec. 113-32. - Zoning administrator.

- (a) Establishment; appointment. There is hereby established the office of zoning administrator, which shall be filled by the city administrator unless otherwise appointed by the city council.
- (b) Duties. The duties of the zoning administrator shall be to:
 - (1) Administer and enforce the provisions of this chapter either directly or through the building inspector;
 - (2) Issue building permits;
 - (3) Issue such other permits as are required by this chapter upon the determination thereof by the proper authority;
 - (4) Issue certificates of occupancy;
 - (5) Keep and maintain a permanent record of this chapter, to enter upon such record all amendments thereof, to provide for public inspection thereof at all times, and pursuant to the determination of the council to provide for the distribution or sale thereof;
 - (6) Keep secure the official land use map and the official zoning map and to make amendments thereof or additions thereto upon adoption thereof, to provide for public inspection thereof during official business hours of the city and pursuant to the determination of the council to provide for the distribution or sale thereof;
 - (7) Maintain all city plans (comprehensive municipal or guide plan and others) in an up-to-date condition;

- (8) Assign conditional and other permit numbers to all land uses in the city which are automatically granted a permit upon enactment of the ordinance from which this chapter is derived; this may be done at such time as existing land uses change, alter, expand, construct, move or otherwise require an amendment due to change following enactment of the ordinance from which this chapter is derived;
 - (9) Prepare and submit to the planning commission, and the council, if appropriate, applications for building permits, variances, conditional use permits and appeals;
 - (10) Maintain records of all permits issued, appeals, variances, conditional use permits and the disposition thereof;
 - (11) Receive, file and forward to the respective official bodies applications for variances, conditional uses and appeals;
 - (12) Publish and attend to the service of all notices required under the provisions of this chapter and to make or prepare and file affidavits of service thereof;
 - (13) Refer to the city attorney all violations of this chapter that cannot be handled administratively;
 - (14) Assure that all building permits comply with the terms of this chapter;
 - (15) Conduct inspections of buildings and land to determine compliance with the terms of this chapter.
- (c) Discretion; interpretation. The zoning administrator shall not have the discretion to vary the terms and provisions of this chapter. He or she shall have the power and the responsibility to interpret any provisions of this chapter that may be unclear. In the discharge of this duty the city attorney shall provide advice to him or her upon request. In the making of any such interpretation, the zoning administrator shall set forth a decision in writing, including reasons thereof.

(Code 1993, § 9-15.01)

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

Upon application for a building permit, a detailed site and development plan, if applicable, shall be submitted to the zoning administrator indicating conformance with regulations of this chapter. Plan submission requirements shall be as noted herein and as may be requested by the zoning administrator.

(Code 1993, § 9-2.12)

Sec. 113-34. - Payment of city expenses.

All applicants for the issuance of any permit or final plan approval shall pay in addition to the fees and charges for platting, subdividing, rezoning, and the permits for variances for land development or redevelopment within the city, all out-of-pocket expenses incurred by the city in employing the services of any engineer, legal counsel, or other professional consultants with regard to reviewing said plat, subdivision, application for rezoning and conditional use permit or variance.

(Code 1993, § 9-2.14)

Sec. 113-35. - Amendments.

- (a) Initiation of amendments. An amendment to this chapter may be initiated by the city council, the planning commission, or by petition of a property owner whose property would be affected by the proposed amendment.

- (b) Application for amendment. All applications for amendments initiated by a property owner shall be filed with the zoning administrator on an official application form. The application shall be accompanied by a fee established by city council resolution and a cash escrow, in an amount determined by the zoning administrator, to reimburse the city for all out-of-pocket costs the city may incur in reviewing the application. When the amendment involves the changing of zoning district boundaries, the application shall be accompanied by an abstractor's certified property certificate listing the property owners within 350 feet of the boundaries of the property to which the amendment relates.
- (c) Public hearing. When a proposed amendment to this chapter has been properly initiated, the city clerk shall call a public hearing before the planning commission. A notice of the time, place, and purpose of the hearing shall be published in the city's official newspaper at least ten days prior to the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the date of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceeding, provided a bona fide attempt to comply has been made. The planning commission shall conduct the hearing and make a recommendation to the city council.
- (d) Action by city council. The city council shall not act upon a proposed amendment until it has received the recommendation of the planning commission or until 60 days after the first regular planning commission meeting at which the proposed amendment was considered.
- (e) Consistency with comprehensive plan. No amendment to this chapter shall be adopted which is in conflict with the city's comprehensive plan.
- (f) Time deadline; approval requirements. Pursuant to Minn. Stats. § 15.99, an application for an amendment must be approved or denied within 60 days from the date a properly completed application is received by the city unless the time period is waived by the applicant or extended as provided by statute. Approval of an amendment shall require a majority vote of all the members of the city council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial require a two-thirds majority vote of all members of city council.

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

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

Sec. 113-36. - Fees and costs.

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

(Code 1993, § 9-15.06)

Secs. 113-37—113-60. - Reserved.

DIVISION 2. - APPEALS AND VARIANCES

Sec. 113-61. - Board of adjustments and appeals.

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

(Code 1993, § 9-15.02)

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

Sec. 113-62. - Variances.

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

Practical difficulties means the same as that term defined in Minn. Stats. § 462.357, as may be amended, meaning that the property owner proposes to use the property in a reasonable manner not permitted by this chapter, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and a variance, if granted, shall not alter the character of the locality. Economic considerations alone shall not constitute practical difficulties. Practical difficulties include but are not limited to inadequate access to direct sunlight for solar energy systems.

Variance means a modification of or variation from the provisions of this chapter consistent with the state enabling statute for municipalities, as applied to a specific property and granted pursuant to the standards and procedures of this chapter.

- (b) Purpose. The purpose of this division is to provide the procedure and criteria for variances.
- (c) Application.
- (1) Any owner of property or a person holding a contract to purchase property, or an optionee holding an option conditioned solely on the grant of a variance, or the duly authorized agent of such appellant, may make application for a variance. The application shall be made on forms prepared by the zoning administrator.
 - (2) The application shall contain the legal description of the property, the zoning district in which it is located, a brief statement of the reasons the variance is requested, a statement of the ownership interest therein of the applicant and the names and addresses of the owners of all abutting property as listed on the current real estate tax rolls. The application shall be verified.
- (d) Use variances prohibited. Variances may not be approved for a use that is not allowed in the zoning district where the property is located.
- (e) Review criteria. The city council shall not approve any variance request unless they find that failure to grant the variance will result in practical difficulties on the applicant, and, as may be applicable, all of the following criteria have been met:
- (1) The variance would be in harmony with the general purposes and intent of this chapter.
 - (2) The variance would be consistent with the comprehensive plan.
 - (3) That, there are practical difficulties in complying with this chapter.
 - (4) That the granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.
 - (5) That the requested variance is the minimum action required to eliminate the practical difficulties.

- (6) Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, subd. 14, when in harmony with this chapter. Variances may be approved for the temporary use of a one-family dwelling as a two-family dwelling.
- (f) Conditions. The city may attach conditions to the grant of the variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- (g) Procedure.
 - (1) All applications for variances shall be referred to the planning commission for study and recommendation to the city council.
 - (2) Within 60 days, the planning commission shall forward its recommendations to the city council; if no recommendation is transmitted within 60 days after referral of the application for variance to the planning commission, the city council may take action without further awaiting such recommendation.
 - (3) Variances are granted or denied by motion of the city council.
- (h) Termination. The violation of any condition of the variance shall be the basis for the city council, following a hearing, to terminate the variance. If the property is not used or improvements substantially begun within a period of one year after the decision granting the variance, unless the variance decision provides otherwise, the variance shall be terminated. Unless the city council specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this section shall expire without further action by the planning commission or the city council, unless the applicant commences the authorized use or improvement within one year of the date the variance is issued; or, unless before the expiration of the one-year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by city council. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. A request for an extension not exceeding one year shall be subject to the review and approval of the zoning administrator. Should a second extension of time, or any extension of time longer than one year, be requested by the applicant, it shall be presented to the planning commission for a recommendation and to the city council for a decision.

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

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

Secs. 113-63—113-82. - Reserved.

DIVISION 3. - CONDITIONAL USE PERMITS

FOOTNOTE(S):

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

Sec. 113-83. - Purpose and public policy.

Conditional uses are those uses authorized by this chapter which require special planning consideration due to traffic circulation and access needs or impacts, operational characteristics, proximity

to other similar uses, impact on neighboring property, etc., and which therefore need special conditions imposed to establish or control these factors in order to protect the public health, safety and welfare and to assure compliance and harmony with the comprehensive plan of the city. In the enactment of the ordinance from which this chapter is derived, the city recognizes that there are certain uses that, because of their characteristics, limited number, or unique character, cannot be classified into any particular district or districts without providing for such districts extensive regulatory provisions herein. It is also recognized that there may be uses that are not provided for in this chapter. Certain uses, while generally not suitable in a particular zoning district, may, under some circumstances and conditions be suitable. A conditional use permit shall apply to the use and land and not to a particular person or firm; any change in land ownership, lease, rental, occupancy or similar change shall not affect the permit or its conditions except as may be specifically authorized and required by the city. Conditional use permits may be issued for any of the following:

- (1) Any of the uses or purposes for which such permits are required or permitted by the provisions of this chapter.
- (2) Public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare.
- (3) To permit the location of any of the following uses in a district from which they are excluded by the provisions of this chapter: library, community center, church, hospital, any institution of an educational, philanthropic or charitable nature, cemetery or mausoleum.

(Code 1993, § 9-15.04(1))

Sec. 113-84. - Application; information required.

- (a) Generally; fee. Any owner of property, or a person holding a contract to purchase property, or an optionee holding an option conditioned solely on the grant of a conditional use permit; or the duly authorized agent of such applicant, may make application for a conditional use permit; however, any proceedings to classify certain uses as conforming uses may be initiated either by such application or by the city council or by the city planning commission. The application shall be made on forms prepared by the zoning administrator, and filed with him or her. The application shall contain the section number of the chapter which permits the issuance of the permit, a brief statement describing the use and why the applicant feels that it can be permitted, a statement of the ownership interest in the property of the applicant, as well as the additional information required below. An application for a conditional use permit shall be accompanied by payment of a fee as set from time to time by the city council in addition to the regular building permit fee, if any.
- (b) Site plan and graphic or written material; location map, etc. A site plan and supplementary graphic or written material shall be provided with the application, containing the following information and/or such additional or lesser information as may be required by the zoning administrator:
 - (1) Name, address, and legal description of project/development.
 - (2) Location map, showing zoning district boundaries including area within one-half mile of the site.
 - (3) Name and mailing address of developer/owner and engineer/architect.
 - (4) Date of plan preparation.
 - (5) Scale and a north point indicator.
 - (6) Boundary line of property with their dimensions.
 - (7) Location identification and dimensions of existing and proposed:
 - a. Topographic contours of minimum intervals of two feet.
 - b. Adjacent streets and on-street right-of-way.

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

(Code 1993, § 9-15.04(2))

Sec. 113-85. - Hearing; development standards.

- (a) Public hearing. The planning commission shall hold a public hearing preceded by ten days' published and mailed notice. Mailed notice should be given to property owners within 350 feet of the property for which the conditional use permit is sought.
- (b) Review of applicant's plan. The planning commission and/or council shall consider to what extent the applicant's plan minimizes possible adverse effects of the proposed conditional use, what modifications to the plan and what conditions on approval could further minimize the adverse effects of the proposed use.
- (c) General requirements. The following development standards shall be considered general requirements for all conditional use permits except as hereinafter provided:
 - (1) The land area and setback requirements of the property containing such a use or activity meet the minimums established for the district.
 - (2) When abutting a residential use, the property shall be screened and landscaped.
 - (3) Where applicable, all city, county, state and federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
 - (4) Signs shall not adversely impact adjoining or surrounding residential uses.

- (5) Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.
- (6) The road serving the use or activity must be of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such additional extra traffic as to create a nuisance or hazard to existing traffic or to surrounding land use.
- (7) All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced or grassed to control dust and drainage.
- (8) All open and outdoor storage, sales and service areas shall be screened from view from public streets and from abutting residential uses or districts.
- (9) All lighting shall be designed to prevent any direct source of light being visible from adjacent residential areas or from the public streets.
- (10) The use or activity shall be properly drained to control surface water runoff.
- (11) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
- (12) The proposed water, sewer and other utilities shall be capable of accommodating the proposed use.
- (13) That the proposed use conforms to the comprehensive municipal plan. Such a finding shall be based upon the following considerations:
 - a. That certain uses may not be considered appropriate within the interior of residential neighborhoods because of noise, traffic, or other conditions that would tend to affect adversely the residential character of the neighborhood and possibly reduce property values. These uses are considered appropriate only on the periphery of residential neighborhoods, or under such conditions as the planning commission may deem proper. The uses may represent "buffer" uses for those areas lying between single-family dwellings and nonresidential uses.
 - b. That certain uses are considered, as a rule, unsuitable in business districts because of inherent business characteristics (e.g. traffic, noise, glare), proximity to residential areas, the fact that they tend not to serve nearby residential areas, or may adversely affect nearby permitted business uses.
 - c. That certain temporary uses that are generally not suitable within a particular zoning district are potentially suitable on a temporary basis. This may be due to the lack of development on existing property, to a short-term need (such as highway construction), or to a limited degree of adverse effects upon adjacent land use.
- (d) Exceptions. These standards shall be strictly applied unless it is found in the particular case that the community safety, health and welfare can as well or better be served by modifying them. Any special requirements applicable to the particular case that are imposed elsewhere in this chapter shall be met in each case.
- (e) Recommendations. When applications are reviewed by the planning commission but acted upon by the city council, the planning commission shall recommend to the city council whatever action it deems advisable, including all recommended conditions on the granting of the conditional use permit.

(Code 1993, § 9-15.04(3))

Sec. 113-86. - Action.

In acting upon applications for conditional use permits, consideration shall be given to the effect of the proposed use upon the health, safety, morals, comfort, convenience and welfare of the occupants of the

surrounding lands, existing and anticipated traffic conditions, including parking facilities on adjacent sites. When applications are reviewed by the planning commission but acted upon by the city council, the city council may hold whatever public hearings it deems advisable or may return the application to the planning commission for further consideration.

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

(Code 1993, § 9-15.04(4))

Sec. 113-87. - Violations; termination.

If compliance with all of the conditions of the conditional use permit has not taken place within the time prescribed by the city, the permit is deemed terminated, unless the council, in its sole discretion, extends the time for compliance for an additional permit not to exceed one year. Any violation of a continuing condition shall be grounds for revocation of the conditional use permit, after notice of violation served upon the permit holder in the manner of a civil summons at least ten days prior to hearing, and upon the council finding at the revocation hearing that the condition violated remains necessary to carry out the purposes of this section and that the permit holder is unable or unwilling to satisfy the condition. Such finding shall be made by majority vote, upon the preponderance of the evidence presented by the zoning administrator and anyone appearing on behalf of the permit holder.

(Code 1993, § 9-15.04(5))

Sec. 113-88. - Performance bond.

The city may require a performance bond or other security, to guarantee performance of the conditions in any case where such performance is not otherwise guaranteed. Such security shall be provided prior to the issuance of building permits or initiation of work on the proposed improvements or development and shall be in an amount 1.25 times the approved estimated costs of labor and materials for the proposed improvements or development.

(Code 1993, § 9-15.04(6))

Secs. 113-89—113-119. - Reserved.

DIVISION 4. - INTERIM USE PERMITS

Sec. 113-120. - Purpose and intent.

The purpose and intent of allowing interim uses is to allow a use:

- (1) For a temporary period of time until a permanent location is obtained or while the permanent location is under construction.

- (2) That is presently judged acceptable by the city council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- (3) Which is reflective of anticipated long-range change to an area and which is in compliance with the comprehensive plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(Code 1993, § 9-15.08(1); Ord. No. 03-02, § 2, 2-12-2003)

Sec. 113-121. - Procedure.

Interim uses shall be processed according to the standards and procedures for a conditional use permit as established by article II, division 3 of this chapter.

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

Sec. 113-122. - General standards; termination.

(a) An interim use shall comply with the following:

- (1) Meet the standards of a conditional use permit set forth in section 113-85 of this chapter, except that screening and landscaping shall not be required unless specifically enumerated as a condition in the permit.
- (2) Conform to the applicable general performance standards of article VI, division 3 of this chapter, except that screening and landscaping shall not be required unless specifically enumerated as a condition in the permit.
- (3) The use is allowed as an interim use in the respective zoning district.
- (4) The date or event that will terminate the use can be identified with certainty.
- (5) The use will not impose additional unreasonable costs on the public.
- (6) The user agrees to any conditions that the city council deems appropriate for permission of the use.

(b) An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- (1) The date or event stated in the permit.
- (2) Upon violation of conditions under which the permit was issued.
- (3) Upon change in the city's zoning regulations that render the use nonconforming.

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

Secs. 113-123—113-142. - Reserved.

ARTICLE III. - ZONING DISTRICTS ESTABLISHED; ZONING MAP

Sec. 113-143. - Districts.

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

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

(Code 1993, § 9-3.01; Ord. No. 10-06, § 2, 9-8-2010)

Editor's note— Ord. No. 10-06, § 2, adopted Sept. 8, 2010, set out provisions intended for use as § 113-144(1). For purposes of classification, and at the editor's discretion, these provisions have been included as § 113-143(1).

State Law reference— Zoning districts authorized, Minn. Stats. § 462.357, subd. 1.

Sec. 113-144. - Zoning district map.

- (a) Adoption of zoning map. The boundaries of the above districts are hereby established as shown on that certain original map entitled Zoning Map, City of Falcon Heights, Minnesota, which map is properly approved and filed, hereinafter referred to as the "zoning map." Said map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set down herein and are hereby incorporated by reference and made a part of this chapter.
- (b) District boundary lines. The district boundary lines on said map are intended to follow street right-of-way lines, street centerlines or lot lines unless such boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. Whenever any street or public way is vacated, any zoning district line following the centerline of said vacated street or way shall not be affected by such vacation.
- (c) Conditional use permits. When any conditional use permit is issued which affects any zoning district in a substantial way, said permit shall be coded and noted on the zoning district map by the zoning administrator so as to clearly indicate the use so permitted which may not otherwise be clearly evident from the map or text of this chapter.

(Code 1993, § 9-3.02)

Sec. 113-145. - Annexed territory.

Areas being annexed shall be appropriately zoned in accordance with the comprehensive municipal plan at the time of annexation. Pending official zoning action by the city council, all annexed land shall be considered as zoned R-1.

(Code 1993, § 9-2.09)

Secs. 113-146—113-173. - Reserved.

ARTICLE IV. - DISTRICT REGULATIONS

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

- (a) Scope. The provisions of this section apply to the R-1 one-family residential district.
- (b) Permitted Uses. Within any R-1 one-family residential district, no structure or land shall be used except for one or more of the following uses: one-family detached dwellings.
- (c) Conditional Uses. Within any R-1 one-family residential district, no structure or land shall be used for the following uses except by conditional use permit:
 - (1) Public parks and playgrounds.
 - (2) Schools, provided no buildings shall be located within 50 feet of any lot line of an abutting lot in an R use district. Any fence erected around a play area shall be not less than 15 feet from a street line when said fence would be across the street from an R use district.
 - (3) Municipal buildings and structures, excluding storage of maintenance equipment and trucks over 1½ tons, stockpiling of aggregate and open storage of material, but including firefighting apparatus, provided these shall not be located within 30 feet of any lot line of an abutting lot in an R use district.
 - (4) Essential service structures, provided no building shall be located within 50 feet from any lot line of an abutting lot in an R use district. The architectural design of service structures should be compatible to the neighborhood in which they are to be located.
 - (5) Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family.
 - (6) Off-street parking: when the proposed site of the off-street parking abuts on a lot which is in a B district and subject to those conditions set forth in article VI, division 2, subdivision II, and such other conditions as found necessary by the council to carry out the intent of this chapter. However, such off-street parking shall be permitted as a conditional use in any R-1 one-family use district for church parking purposes.
 - (7) Room and/or board for up to four persons.
 - (8) Home occupations not meeting the definitions and requirements of section 113-391
- (d) Permitted accessory uses. No accessory structures or use of land shall be permitted except for one or more of the following uses:
 - (1) Home occupations meeting the definitions and requirements of section 113-391
 - (2) Private tennis courts, provided no portion of the paved or fenced area is within a required front yard or less than ten feet from a property line.
 - (3) One private garage or carport and parking space as regulated in section 113-240
 - (4) Private automobile repair or reconditioning as regulated in section 113-250

- (5) Gardening and other horticultural uses where no retail sale of products is conducted on the premises.
 - (6) Keeping of domestic pets as required in the Code.
 - (7) Signs as provided in subsection (g) of this section.
 - (8) Decorative landscape features and fences as regulated herein.
 - (9) Accessory buildings other than detached private garages as regulated herein. The design and placement of the accessory buildings must be approved by the planner as being in harmony with the surrounding residential neighborhood.
 - (10) Buildings temporarily located for purposes of constructing on the premises for a period not to exceed the time necessary for such construction (approved by zoning administrator).
 - (11) One composting area, or one compost structure as defined in section 113-240(l), of plant material including leaves, grass clippings, plant trimmings, fruits, vegetables and peels, but excluding animal derived materials such as bones, meat scraps and dairy products, not to cover more than 25 square feet in area and five feet in height in the rear yard. A larger composting area requires a permitted accessory use permit. A compost area must be set back at least five feet from any property line. The compost shall be maintained according to accepted composting practices for the residential yard.
 - (12) Garage and residential boutique sales limited to four sales each calendar year per residential unit, not to exceed ten consecutive days or two consecutive weekends each.
 - (13) Keeping of chickens as regulated by the Code.
- (e) Lot area, height, lot width and yard requirements.
- (1) No structure or building shall exceed two stories or 25 feet in height aboveground level, whichever is lesser in height, except as provided in section 113-243
 - (2) A side yard abutting a street shall be at least 20 percent of the width of the lot.
 - (3) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in this section and section 113-241

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
10,000 sq. ft.	75 feet interior lot, 90 feet corner	30 feet	5 feet	30 feet

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

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

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

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

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

(Code 1993, § 9-5.01; Ord. No. 0-93-07, § 6, 7-28-1993)

Sec. 113-176. - R-3 medium density multiple-family residential district-apartment buildings.

- (a) Scope. The provisions of this section apply to the R-3 medium density multiple-family residential district.
- (b) Permitted uses. All permitted uses in the R-2 district.
- (c) Conditional uses. No structure or land shall be used for the following uses except by conditional use permit, except that multifamily dwellings shall not exceed 12 per acre.
 - (1) Any conditional use permitted in the R-1 and R-2 districts.
 - (2) Conversion or enlargement of existing homes to accommodate one-, two-, three- or four-dwelling units.
 - (3) Large group homes as defined in this chapter.
 - (4) Townhouses. See performance standards as permitted in article VI, division 3 of this chapter.
 - (5) Buildings containing two or more dwelling units not exceeding 12 dwelling units per acre.
- (d) Permitted accessory uses. The following uses shall be permitted accessory uses:
 - (1) All accessory uses as permitted in the R-1, R-2 districts.
 - (2) Conversion or enlargement as required by terms of a conditional use permit.
- (e) Lot area, height, lot width and yard requirements.

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

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

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

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

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

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

- (a) Scope. The provisions of this section apply to the B-1 neighborhood convenience district.
- (b) Purpose and intent. The purpose of the neighborhood convenience business district is to provide for small-scale consumer goods stores and limited service establishments which deal directly with the customer by whom the goods and services are consumed. The maximum business size limit is 5,000 square feet. Some business areas may be further restricted by zoning regulations to avoid adverse impacts on residential neighborhoods. The district is primarily intended to serve the surrounding neighborhood rather than the entire community. It is designed to be accessible to retail customers from the nearby neighborhoods, to be compatible with the character of the neighborhoods, and to minimize the blighting influence on surrounding residential neighborhoods by limiting and controlling the uses that are permitted.
- (c) Permitted uses. No structure or land shall be used except for the following specific uses:
 - (1) Barbershops, except barber colleges.
 - (2) Beauty shops, but excluding cosmetology schools.
 - (3) Convenience stores, excluding motor fuel facilities.
 - (4) Coin and philatelic (stamp) stores.
 - (5) Drugstores/pharmacies.

- (6) Florists.
 - (7) Garment pressing, and agents for laundries and dry cleaners, with a maximum of six employees.
 - (8) Health care, offices and clinics.
 - (9) Laundries - power, with a maximum of six employees.
 - (10) Laundromats - self serve.
 - (11) Miscellaneous retail establishments (small) (excluding repair and service establishments and gun shops) having a maximum floor area of 1,000 square feet which sell food, apparel and small specialty shopping goods including antiques, sporting goods, books, stationery, jewelry, cameras, novelty and optical stores and small cafes and restaurants.
 - (12) Offices, business and professional.
 - (13) Holiday tree sales.
- (d) Conditional uses. The following uses are permitted subject to the issuance of a conditional use permit (CUP):
- (1) Automobile repair establishments subject to the following conditions:
 - a. The use is existing as of the date of adoption of the amendment from which this section is derived.
 - b. The structure and use shall not be expanded without city council approval, based upon finding that the expansion is a furtherance of the public health and safety and will not negatively impact the surrounding neighborhood.
 - c. Any change in use shall be to the same or another B-1 permitted or conditional use.
 - d. No more than five cars shall be parked outdoors overnight at any one time, and cars shall be parked in an orderly fashion in a designated area.
 - e. There shall be no outdoor storage of supplies, materials or trash.
 - f. Trash containers and parking areas shall be screened from view from residential areas to the maximum degree practicable in consultation with city officials and upon approval by the city council after review by the planning commission.
 - (2) Child care facilities and nursery schools subject to licensing by the state.
 - (3) Motor fuel stations as an integral part of a convenience store located at the corner of a minor arterial and collector street as defined by the comprehensive plan.
 - (4) Secondhand goods stores as defined in this chapter.
- (e) Permitted accessory uses. The following uses shall be permitted accessory uses:
- (1) Off-street parking and loading, signs, fences, and decorative landscape features as regulated herein.
 - (2) Temporary construction buildings (approved by zoning administrator).
 - (3) Accessory structures other than private garages as regulated herein. The design, placement, screening and size of the accessory buildings must be approved by the city council as being in harmony with the surrounding business district and neighborhood after review and recommendation by the planning commission.
 - (4) Essential service structures, provided no building shall be located within 30 feet of an abutting lot in an R district. The placement of the essential service structure must be approved by the city council as being in harmony with the surrounding business district and neighborhood after review and recommendation by the planning commission.

- (5) Public telephone booths or drive-up service. The placement of the telephone booth or drive-up service must be approved by the city council as being in harmony with the surrounding business district and neighborhood after review and recommendation by the planning commission.
- (6) Other as deemed to be normal, customary, and incidental by the zoning administrator.
- (f) Other requirements. All uses shall in addition to all other requirements comply with the following standards:
 - (1) No bars on doors or windows during business hours.
 - (2) No automatic interior or exterior security lock doors or doors that require request for entry or exit during business hours.
 - (3) No exterior storage of merchandise except for nursery stock associated with a florist.
 - (4) No exterior sales of merchandise except for a three-day period twice a year as a sidewalk sale or for merchandise associated with a florist.
- (g) Lot area, height, lot width and yard requirements.
 - (1) Minimum lot area 10,000 square feet.
 - (2) Maximum principal building height two stories or 24 feet, except as provided by section 113-243 of this chapter. Accessory buildings are subject to section 113-240
 - (3) Minimum lot width 90 feet.
 - (4) Maximum building/use size 5,000 square feet, except where otherwise noted.
 - (5) Minimum building yard requirements:
 - a. Front, 30 feet.
 - b. Side, ten feet, but 30 feet if abutting a street or R district.
 - c. Rear, 20 feet.
 - (6) Maximum lot coverage, including the total area of roofs, driveways, parking lots, sidewalks and similar impermeable surfaces, 75 percent.

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

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

- (a) Scope. The provisions of this section apply to the B-2 limited business district.
- (b) Purpose and intent. The primary purpose of the limited business district is to provide for office and limited service, employment and institutional uses which are freestanding in nature, require larger sites and are or can be made to be compatible with adjacent land uses. It is also intended to accommodate certain existing businesses for the purpose of maintaining them as conforming uses. Except where current retail or wholesale businesses are specifically listed, the limited business district is not intended to accommodate retail or wholesale businesses. The district is designed to minimize the blighting influence on the surrounding residential neighborhoods by limiting and controlling the uses that are permitted.
- (c) Permitted uses. No structure or land shall be used except for the following uses:
 - (1) Financial institutions with hours open to the public no earlier than 8:00 a.m. and no later than 6:00 p.m. An automatic teller machine may operate for 24 hours a day.
 - (2) Health care, offices and clinics.

- (3) Offices, business and professional.
- (4) City-owned community facilities provided there shall be no unscreened outdoor storage of materials, supplies or equipment, or trucks and trailers exceeding a capacity of 1½ tons.
- (5) Holiday tree sales.
- (d) Conditional uses. The following uses are permitted subject to the issuance of a conditional use permit (CUP):
 - (1) Drive-through facilities as an accessory use to a financial institution.
 - (2) Churches.
 - (3) Child care facilities and nursery schools subject to licensing by the state.
 - (4) Dance studios, schools and halls.
 - (5) Florist, garden supply and garden wholesale stores.
 - (6) Funeral homes and mortuaries.
 - (7) Limited fabricating and processing of a product in conjunction with any permitted use when such products are wholly processed within a building and such use is deemed appropriate and consistent with the character of the district and environs. Where such uses consist of more than one principal building, plans for such development shall be submitted as a planned unit development (PUD).
 - (8) Historical buildings, museums, art institutes and galleries.
 - (9) Photographic studios, portrait.
 - (10) Radio broadcasting stations, television broadcasting stations, and cable and other pay television service stations, excluding external antenna systems.
 - (11) Studios.
 - (12) Research centers and laboratories excluding medical waste processing facilities.
 - (13) Schools or studio for music, art or interior design.
 - (14) Veterinary clinics with no animal boarding.
- (e) Permitted accessory uses. Any accessory use permitted in section 113-177(e). The requirements of section 113-178(f)(3) and (4) shall not apply.
- (f) Other requirements. All uses shall in addition to all other requirements apply the following standards:
 - (1) No bars on doors or windows during business hours.
 - (2) No automatic interior or exterior security lock doors or doors that require request for entry or exit during business hours.
 - (3) No exterior storage of merchandise except for nursery stock associated with a garden supply store or florist.
 - (4) No exterior sales of merchandise except for nursery stock associated with a garden supply store or florist.
- (g) Lot area, height, width and yard requirements. Subject to exception under article V of this chapter.
 - (1) Minimum lot area 12,500 square feet.
 - (2) Maximum principal building height two stories or 24 feet, except as provided by section 113-243 of this chapter, three stories or 35 feet maximum allowed by CUP or PUD. Accessory buildings are subject to section 113-240(f).
 - (3) Minimum lot width 90 feet.

- (4) Minimum building yard requirements:
 - a. Front, 30 feet.
 - b. Side, ten feet, but 30 feet if abutting a street or R district.
 - c. Rear, 20 feet.
- (5) Maximum lot coverage, including the total area of roofs, driveways, parking lots, sidewalks and similar impermeable surfaces, 75 percent.
- (h) Interim uses. The following uses are allowed subject to the issuance of an interim use permit: farmer's markets that meet the following criteria:
 - (1) Operate no more than one day per week.
 - (2) Site includes not less than 284 parking spaces for customers of the market.
 - (3) Market may not operate before 6:30 a.m. or after 8:00 p.m.
 - (4) Permittee must name a managing agent who is responsible for the conduct of the vendors in compliance with the conditions of the interim use permit.

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

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

- (a) Scope. The provisions of this section apply to the B-3 Snelling and Larpenteur community business district.
- (b) Purpose and intent.
 - (1) The district applies only to the northeast, northwest, and southwest quadrants of the Larpenteur and Snelling intersection. The district is designed to provide retail sales and services that serve the surrounding neighborhoods' and community's needs. Retail sales and services that serve a larger geographic area are available in larger, nearby business districts in adjacent cities. By limiting and controlling the uses that are permitted, the district is designed to be accessible to retail customers from the nearby neighborhoods and the community, to be compatible with the character of the neighborhoods and overall community, and to minimize the blighting influence on the surrounding residential neighborhoods.
 - (2) Furthermore, the district provides for and encourages compact centers for retail sales and services by grouping businesses into patterns of workable relationships that complement each other. The district is designed to be easily accessible to users. It excludes highway oriented and other high traffic volume businesses that would tend to disrupt the cohesiveness of the shopping center or its circulation patterns and shared parking arrangements.
- (c) Permitted uses. No structure or land shall be used except for the following uses:
 - (1) Auto parts and accessory stores.
 - (2) Apparel and accessory stores.
 - (3) Beauty shops and barbershops.
 - (4) Bowling alleys.
 - (5) Coin and philatelic (stamp) stores.
 - (6) Commercial art services.
 - (7) Commercial photography services.

- (8) Computer programming and data processing services.
 - (9) Dance studios, schools and halls.
 - (10) Eating establishments.
 - (11) Financial institutions and insurance establishments with hours open to the public no earlier than 8:00 a.m. and no later than 6:00 p.m. An automatic teller machine may operate 24 hours a day.
 - (12) Food stores, excluding the outdoor sales of produce, meat and seafood.
 - (13) Garment pressing, and agents for laundries and dry cleaners.
 - (14) Hardware stores.
 - (15) Health services, offices and clinics.
 - (16) Home furnishing, appliance and equipment stores.
 - (17) Laundry and garment services.
 - (18) Laundromats - self serve.
 - (19) Mailing services.
 - (20) Miscellaneous retail establishments, including antique stores but excluding fuel dealers and gun shops.
 - (21) Motion picture theaters.
 - (22) Offices, business and professional.
 - (23) Office supply and art supply stores, retail.
 - (24) Paint, glass and wallpaper stores, retail.
 - (25) Personal service establishments as follows: tax return preparation services, diet centers, costume and dress suit rental stores, photograph services.
 - (26) Photographic studios, portrait.
 - (27) Physical fitness facilities.
 - (28) Precious metal dealers with a precious metal dealer license.
 - (29) Photocopying and duplicating shops, provided not more than six employees are employed on the premises at one time.
 - (30) Public and essential service uses.
 - (31) Schools and studios for art, music and interior design.
 - (32) Secretarial and stenographic services.
 - (33) Tanning salons.
 - (34) Therapeutic massage enterprise.
 - (35) Video rental stores.
- (d) Conditional uses. The following uses are permitted subject to the issuance of a CUP:
- (1) Animal grooming and pet stores provided there shall be no boarding of animals on the site.
 - (2) Basement storage of goods not sold on the premises provided that the space is completely finished and ready for use, is sprinkled, has elevator access, provides two pedestrian accesses, has an existing loading dock or area that does not conflict with adjacent residential areas or entry to businesses and is approved by the city fire marshal.

- (3) Car washes which are accessory to the principal use and meet the requirements for service stations, section 113-383
 - (4) Child care and nursery school facilities subject to licensing by the state.
 - (5) Charitable gambling establishments as a principal use in accordance with the city's licensing requirements, section 30-4
 - (6) Custom manufacturing of handmade goods that are sold on the premises provided the manufacturing operation is incidental to a retail operation.
 - (7) Drinking establishments, bars and taverns, subject to the city's licensing requirements, chapter 6, article II of this Code.
 - (8) Gun shops are a conditional use on the northwest corner of Snelling and Larpenteur as long as the following conditions exist:
 - a. A minimum of 1,000 feet from any residential zone except for a minimum of 150 feet from any residential zone when the residential zone is buffered by a separate commercial facility.
 - b. A minimum of 750 feet from any park.
 - c. A minimum of 1,000 feet from any public or private preschool, elementary or secondary school or church.
 - (9) Hotels and motels by PUD.
 - (10) Motor fuel or service stations subject to the design and performance standards as specified in section 113-383
 - (11) Multifamily housing by PUD.
 - (12) Satellite communications dishes as an accessory use.
 - (13) Secondhand goods store, as defined in this chapter.
 - (14) Veterinary clinics with no boarding of animals on the site and no external runs.
- (e) Permitted accessory uses.
- (1) Any accessory use permitted in section 113-177(e).
 - (2) Limited repair and service operations which are incidental to a principal use.
 - (3) One pool table per 2,000 square feet of area excluding area devoted to bowling lanes and one video or electronic game per 300 square feet of area excluding area devoted to bowling lanes are permitted accessory uses to a bowling alley.
 - (4) The limited sale of used merchandise is allowed as an accessory use, but only if the following conditions are met:
 - a. The sale of used merchandise must be clearly incidental to the sale of new merchandise of the same general type.
 - b. The used merchandise which is sold on the premises must be acquired by the owner of the principal use only on a "trade-in" basis from customers trading in used merchandise at the time they purchase new merchandise of the same general type.
 - c. The portion of used merchandise on the premises may not, at any time, occupy more than ten percent of the sales area of the premises.
- (f) Other requirements. All uses shall, in addition to all other requirements, apply the following standards:
- (1) No bars on doors or windows during business hours.
 - (2) No automatic interior or exterior security lock doors that require request for entry or exit during business hours.

- (3) No exterior storage of merchandise.
- (4) No exterior sales of merchandise except twice a year for three days at a time as a sidewalk sale.
- (g) Building height and yard requirements.
 - (1) Maximum principal building height is three stories or 35 feet, except as provided for in section 113-243. Accessory buildings are subject to section 113-240(f).
 - (2) Minimum building yard requirements:
 - a. Front, 30 feet.
 - b. Side, 20 feet, but 30 feet if abutting a street and 40 feet if abutting an R district. No side yard shall be required for a party wall subject to section 113-241
 - c. Rear, 20 feet, but ten feet if abutting an alley.
 - d. Maximum lot coverage, 75 percent. This requirement shall only apply to sites that abut an R district to provide sufficient land area for buffering, landscaping and screening. Coverage may be increased by the city if a permanent screen or buffer, other than a wooden fence, is constructed which provides 100 percent yearround opacity for adjacent residential areas after approval by the city council and review by the planning commission.

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

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

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

- (5) Signs. All signs visible from a public right-of-way (road, street, highway) and located or proposed for location on public land shall be considered as a structure to be included on plans by the university, fairgrounds, and school districts subject to review by the city.

(Code 1993, § 9-11.01)

Sec. 113-181. - R-4 high density multiple-family residential district-apartment buildings.

- (a) Scope. The provisions of this section apply to the R-4 high density multiple-family residential district.
- (b) Permitted uses. All permitted uses in the R-2 district.
- (c) Conditional uses. No structure or land shall be used for the following uses except by conditional use permit:
 - (1) Any conditional use permitted in the R-1 and R-2 districts.
 - (2) Conversion or enlargement of existing homes to accommodate one-, two-, three- or four-dwelling units.
 - (3) Large group homes as defined in this chapter.
 - (4) Townhouses. See performance standards as permitted in article VI, division 3 of this chapter.
 - (5) Buildings containing three or more dwelling units not exceeding 28 dwelling units per acre. A maximum of 40 dwelling units per acre are allowed if:
 - a. At least 80 percent of the required parking spaces are below grade and integrated into the apartment building; and
 - b. The property abuts Larpenteur or Snelling Avenue; and
 - c. The property does not abut property zoned R-1.
- (d) Permitted accessory uses. The following uses shall be permitted accessory uses:
 - (1) All accessory uses as permitted in the R-1, R-2 districts.
 - (2) Conversion or enlargement as required by terms of a conditional use permit.
 - (3) All accessory uses as permitted in the R-1 and R-2 districts except that the keeping of chickens, as regulated by the Code, is only allowed as accessory to a single-family or two-family home.
- (e) Lot area, height, lot width and yard requirements.
 - (1) See performance standards as permitted in article VI, division 3 of this chapter (or as required by conditional use permit).
 - (2) No structure or building shall exceed three stories, or 30 feet, whichever is lesser in height, except as provided in section 113-243
 - (3) A side yard abutting on a street shall not be less than 30 feet in width, and when a side yard of a multifamily structure abuts a single-family residence, the side yard shall not be less than 20 feet.
 - (4) The following minimum requirements shall be observed subject to additional requirements except as a modification set forth in this section and section 113-241

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
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12,500 sq. ft.	90 feet	30 feet	10 feet or ½ the height of the building, whichever is greater	30 feet
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*Lot area for single-family residence may be reduced to 10,000 square feet.

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

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

- (a) Scope. The provisions of this section apply to the R-5M mixed use high density residential district.
- (b) Purpose and intent. The purpose of the mixed use high density residential district is to provide high density, primarily apartment style, rental and condominium housing with limited commercial uses within the same structure. The intent of the district is to meet or exceed the city's comprehensive plan density goal of 28 residential units per acre.
- (c) Permitted uses.
 - (1) Apartment buildings with a maximum of 40 dwelling units per acre.
 - (2) Permitted uses in the B-2 zoning district.
 - (3) State licensed residential facilities serving from seven through 16 persons.
 - (4) State licensed day care facilities serving from 13 to 16 persons.
- (d) Conditional uses.
 - (1) Conditional uses in the B-2 zoning district.
 - (2) Public parks and playgrounds.
 - (3) Municipal buildings and structures.
 - (4) Essential service structures.
- (e) Interim uses. Farmers' markets that meet the following criteria: Operate no more than one day per week; site includes not less than 284 parking spaces for customers of the market; market may not operate before 6:30 a.m. or after 8:00 p.m.; a managing agent must be named who is responsible for the conduct of the vendors in compliance with the conditions of the interim use permit.
- (f) Permitted accessory uses.
 - (1) Off-street parking and loading, signs, fences, and decorative landscape features as regulated herein.
 - (2) Temporary construction buildings.
 - (3) Accessory uses in the B-2 zoning district.
- (g) Lot area, height, lot width, and yard requirements.
 - (1) The following minimum requirements shall be observed subject to additional requirements except as modified in this section and in section 113-241

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
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2.5 acres	200 feet	30 feet	10 feet or ½ the height of the building, whichever is greater	30 feet
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- (2) The required setback from a lot line abutting property zoned R-1 is 50 feet.
- (3) If there is a commercial use on the first floor, the required setback from a lot line abutting Larpenteur Avenue or Snelling Avenue is 15 feet.
- (4) Except as provided in section 113-243, the maximum height is four stories or 40 feet, whichever is less.

(Ord. No. 10-06, § 5, 9-8-2010)

ARTICLE V. - PLANNED UNIT DEVELOPMENT (PUD)

Sec. 113-199. - Purpose.

The planned unit development district is intended to permit flexibility of site design, the conservation of land and open space through clustering of buildings and activities, and an incentive to developers to plan creatively by providing density bonuses. This flexibility can be achieved by allowing deviations from standards including setbacks, heights and similar regulations. PUDs are characterized by central management, integrated planning and architecture, joint or common use of parking, open space and other facilities, and a harmonious selection and efficient distribution of uses.

(Code 1993, § 9-16.01)

Sec. 113-200. - Required use.

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

(Code 1993, § 9-16.02)

Sec. 113-201. - General requirements and standards.

- (a) Comprehensive plan/Code consistency. A PUD must be consistent with the city comprehensive plan and the intent and purpose of the city Code provisions relative to land use, subdivision and development.
- (b) Operating and maintenance requirements for PUD common open space/facilities. Whenever joint common open space or service facilities for individual owners or users are provided within the PUD, the PUD plan shall provide reasonable assurance of adequate operation and maintenance of such open space and service facilities.
- (c) Staging of public and common open space. When a PUD provides for common or public open space, the total area of common or public open space or security in any stage of development, shall, at a

minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

- (d) Development stages. Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds 125 percent of the proposed residential density of the entire PUD.
- (e) Urban development and availability of public services. All development shall be carefully phased so as to ensure that it will not cause an unreasonable burden upon the city in providing services and utilities or cause a deleterious impact upon the natural environment.

(Code 1993, § 9-16.03)

Sec. 113-202. - Permitted uses and standards.

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

(Code 1993, § 9-16.04)

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

- (a) Approval process. Planned unit developments may be permitted in the legislative discretion of the city council. The application and hearing process for planned unit developments will be as required for other zoning chapter amendments.
- (b) Preapplication conference. Before filing an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the city administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys and other data.
- (c) Application information. An applicant shall submit a completed application form furnished by the city, together with the following information:
 - (1) Drawings in schematic form containing the following:
 - a. The location, size of site and the proposed uses of the land to be developed.
 - b. The density of land use to be allocated to the several parts of the site to be developed.
 - c. The location and size of all useable open space and the form of organization to own and maintain such space.
 - d. The use, height, bulk and approximate location of buildings and other structures.
 - e. The plans for the distribution of sanitary wastes, stormwater, and the provisions of other utilities.
 - f. The plans for parking of vehicles and the location and width of proposed streets, curbs, gutter and landscaping.
 - g. A schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.
 - (2) A written statement must include the following:

- a. A narrative explanation of the general character of the planned unit development, its integration with the surrounding land uses and justification of any requested density bonuses.
 - b. A statement identifying the final ownership and describing maintenance of all parts of the development including streets, structures and useable open space.
 - c. The total anticipated population of the planned unit development, with breakdowns as to the estimated number of school age children, adults and families.
- (3) The following exhibits:
- a. Abstractor's certified property certificate showing the names and addresses of property owners within 350 feet of the outer boundaries of the property.
 - b. Location map showing property in relation to the city as a whole and to the city's primary elements such as thoroughfares, schools, parks and shopping areas.
 - c. A legal description of the property including approximate total acreage.
 - d. Boundary survey prepared by a registered surveyor of the property and 100 feet beyond showing:
 - 1. Existing property lines and dimensions.
 - 2. Ownership of all parcels.
 - 3. Platting and easements.
 - 4. Street and railroad rights-of-way.
 - 5. Buildings.
 - 6. Utility lines and facilities.
 - e. A topographic map prepared by a registered civil engineer or registered land surveyor covering the entire tract proposed for development which contains the following information:
 - 1. Contour lines at no more than foot intervals.
 - 2. Hydrologic information including drainage patterns, wetlands, and land subject to periodic flooding.
 - 3. Soil and subsoil conditions.
 - 4. Vegetation including classification of tree cover by species.
 - f. Any other material requested by the city council, planning commission or city staff.

(Code 1993, § 9-16.05)

Sec. 113-204. - Coordination with subdivision approval.

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

(Code 1993, § 9-16.06)

Sec. 113-205. - Development contract.

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

(Code 1993, § 9-16.07)

Sec. 113-206. - Rezoning.

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

(Code 1993, § 9-16.08)

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

- (a) Modification of structures. After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.
- (b) Changes in final development plan. After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:
 - (1) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the planning commission if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the volume of any building or structure by more than ten percent.
 - (2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.
 - (3) Changes in the use of common open space or any other substantial changes in the final development plan may be authorized by an amendment to the final development plan.

(Code 1993, § 9-16.09)

Sec. 113-208. - Amendment of plan.

Any substantial changes in the final development plan, including but not limited to changes in land use, increases in development density or intensity or changes in the provisions for common open spaces shall require a PUD amendment. The amendment process for planned unit developments shall be the same as that for all other amendments to this chapter. (See section 113-35.)

(Code 1993, § 9-16.10)

Sec. 113-209. - Urban farm planned unit development district.

- (a) Legal description. The legal description of this PUD is lots 1 and 2, block 1, Urban Farm Project Addition.
- (b) Purpose. The purpose of the urban farm PUD district is to provide for the mixed uses of an urban farm and an affordable apartment building.
- (c) Scope. The provisions of this section apply to the urban farm planned unit development.
- (d) Permitted uses. The following uses are permitted subject to the development plan for the PUD, subsection 113-209(f), and the standards and requirements of the R-5M zoning district, except as modified herein:

- (1) On lot 1, block 1 an urban farm. At least 21 paved parking spaces must be maintained next to the main building adjacent to Larpenteur Avenue, as well as at least 24 overflow parking stalls. The urban farm may have up to:
 - 976 square feet of retail space;
 - 2,201 square feet of office/training/kitchen space;
 - 8,580 square feet of distribution/warehouse space;
 - 849 square feet of greenhouse space; and
 - 576 square feet of yard storage building space.
 - (2) On lot 2, block 1, a 47-unit affordable apartment building with at least 77 parking spaces. At least 40 of the required parking spaces must be below grade and integrated into the apartment building;
 - (3) On lots 1 and 2, block 1, essential services.
- (e) Permitted accessory uses.
- (1) On lots 1 and 2, block 1, the accessory uses in the R-5M zoning district;
 - (2) On lot 1, block 1, seasonal hoop houses for growing vegetables.
- (f) Development plan. The PUD must be maintained in accordance with the following development plan which is on file with the city and which is incorporated herein by reference:
- (1) Urban farm project addition plat;
 - (2) Topographic survey and grading, drainage and utility plan prepared by Jacobson Engineers & Surveyors dated July 28, 2014;
 - (3) The following plans prepared by LHB for lot 1, block 1:
 - Architectural Site Plan w/Landscape Layout dated August 18, 2014;
 - First Floor Plan dated August 18, 2014;
 - Yard Storage Building - Color Option 1 dated July 28, 2014 or Yard Storage Building - Color Option 2 dated August 18, 2014;
 - Exterior Elevations - Color Option 1 dated August 18, 2014 or Exterior Elevations - Color Option 2 dated July ***.

(Ord. No. 13-02, § 2, 5-22-2013; Ord. No. 14-02, § 1, 9-10-2014)

Secs. 113-210—113-239. - Reserved.

ARTICLE VI. - SUPPLEMENTAL DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 113-240. - Accessory buildings and structures.

- (a) Time of construction. No accessory building shall be constructed on a lot prior to the time of construction of the principal building or land use to which it is accessory.

- (b) Proximity to principal building. An accessory building shall be considered as an integral part of the principal building if it is located less than 12 feet from the principal building with respect to firewall and other requirements of the building code.
- (c) Garage restrictions. Garages in a residential district must be set back at least five feet from an interior side or rear lot line unless:
 - (1) The garage meets all of the following:
 - a. Is located on an alley, and is accessed from the alley or from a public street abutting an alley on a corner lot;
 - b. Is located in the rear 28 feet of the lot; and
 - c. Is oriented such that the vehicular access door is perpendicular to the alley; or
 - (2) The garage meets all of the following:
 - a. Is detached from the principal structure;
 - b. Is accessed from a driveway off of a public street, not an alley;
 - c. Is replacing an existing garage that is located less than five feet from the side lot line; and
 - d. Is located a minimum of five feet to the rear of the principal structure on the nearest adjoining property that is closed to the garage; or is located at least ten feet from any portion of the principal structure on the nearest adjoining property; or
 - (3) The garage meets all of the following:
 - a. Is detached from the principal structure;
 - b. Is accessed off an alley;
 - c. Is replacing an existing garage that is located less than five feet from the side lot line; and
 - d. Is located in the rear 30 feet of the lot.
- (d) Garage locations; conditional.
 - (1) If all the conditions of subsection (c)(1) of this section are met, the garage can be located not less than one foot from an interior side or rear lot line.
 - (2) If all of the conditions of subsection (c)(2) of this section are met, the garage can be located at the same side yard setback as the existing garage that is being replaced, except that the new garage shall not be located less than two feet from the side lot line. The replacement garage does not have to be in the same location as the existing garage.
 - (3) If all of the conditions of subsection (c)(3) of this section are met, the replacement garage can be located at the same side yard setback as the existing garage, except the garage shall not be located less than two feet from the side lot line.
- (e) Yard setbacks; building locations. The corner side yard setback for accessory buildings, including garages, shall adhere to the setback requirement for principal buildings as described in section 113-174(e)(2) (20 percent of the lot width). The rear yard and interior side yard setbacks shall be those required for garages and accessory buildings on interior lots. Lots smaller than 75 feet wide shall have a minimum corner side yard setback requirement of not less than fifteen feet. Garages on these lots may be located closer than 15 feet from the corner side lot line if the vehicular access door does not face the side street. In no case shall a garage or other accessory building be located within the corner side yard.
- (f) Height limitations. No accessory building in a residential district shall exceed the height of the principal building. No detached garage in a residential district shall exceed:
 - (1) A maximum of 18 feet in height from grade to peak if the roof has a pitch that is four feet (horizontal) to one foot (vertical) or greater.

- (2) A maximum of 12 feet in height from grade to peak if the roof has a pitch that is less than four feet (horizontal) to one foot (vertical).
- (g) Building location in certain districts. Accessory buildings in the business and industry districts shall be located any place to the rear of the principal building, subject to the building code, and the fire zone regulations.
- (h) Prohibited location. No detached garages or other accessory buildings shall be located nearer to the front lot line than the principal building on that lot with the exception of an attached garage in an R-1 zone.
- (i) Height limitation in certain districts. No accessory building in a business or industrial district shall exceed the height of the principal building except by conditional use permit.
- (j) Yard setbacks and building location in certain districts. An accessory building in the business or industrial districts may be located within the rear yard setback, provided that the lot is not a through lot and said accessory building does not occupy more than 25 percent of the required rear yard. An accessory building shall be a part of the principal building if it is located less than 12 feet from the principal building. No accessory building shall be located less than ten feet from a rear lot line.
- (k) Standards for utility structures. Utility structures and other similar buildings shall conform to the following standards in residential districts:
 - (1) All structures 120 square feet or larger shall require a building permit.
 - (2) All such structures shall be secure from wind displacement.
 - (3) The area of such buildings shall not be less than 35 square feet. Only one such building shall be permitted per lot and permitted only within the single-family districts.
 - (4) The height of detached utility structures shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.
 - (5) Exterior colors or materials matching the principal structure or earthen tones shall be utilized. No door or other access opening in a utility structure shall exceed 28 square feet in area.
- (l) Compost structure requirements. One accessory structure for compost not to cover more than 25 square feet in area and five feet in height in the rear yard. A compost structure must meet the setback requirements in section 113-240(e).
- (m) Garage conversion requirements. When an attached garage is converted to dwelling space, a replacement garage of the same or greater size must be constructed on the property. Furthermore, the existing driveway leading to the converted garage must be replaced with grass or approved landscaping materials unless the driveway provides access to the new garage. The curb cut provided to such a driveway may be removed by the city in the event the street curbs and gutters are rebuilt.
- (n) Street access for alley property. No property located on an alley shall be permitted a new curb cut for street access.
- (o) Prohibited use. No accessory building or structure shall be used for living purposes or as a dwelling unit.
- (p) Detached accessory building conditions. Detached accessory buildings shall not occupy more than 40 percent of the area of a required rear yard, and shall not exceed a total of 1,000 square feet.
- (q) Minimum distance between buildings. The minimum distance between the principal building and an unattached accessory building shall be five feet.
- (r) Minimum setback. The minimum setback from the rear lot line of a through lot shall be 30 feet.
- (s) Tents. A tent is not an approved accessory building and may not be used as a dwelling unit on any lot.
- (t) Detached garage condition. Detached garages in a residential district must be located entirely within the rear 30 feet of the lot if there is an adjacent alley.

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

Sec. 113-241. - Required yards and open spaces.

- (a) Existing yards. No yards, now or hereafter provided for a building existing on the effective date of the ordinance from which this chapter is derived shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this chapter for equivalent new construction in any zone.
- (b) Permitted encroachments on required yards. The following shall be permitted encroachments into setback and height requirements except as restricted by other sections of this chapter:
 - (1) In any yards:
 - a. Posts, off-street parking, flues, sills, pilasters, lintels, cornices, eaves (up to three feet), gutters, awnings, open terraces, steps, sidewalks, essential services, stoops, or similar features provided that they do not extend five feet above the height of the principal structure or to a distance less than three feet from any lot line;
 - b. Yard lights and nameplate signs, trees, shrubs, plants;
 - c. Floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yard for safety and security reasons, provided the direct source of light is not visible from the public right-of-way or adjacent residential property;
 - d. No deck, uncovered porch, or air conditioner shall be less than five feet from a side or rear yard line and if in the required front yard area, a variance shall be required;
 - e. An exposed ramp is a permitted encroachment, provided that a setback of at least five feet in the side and rear yard is met and the design and materials are approved by the zoning administrator as being in harmony with the surrounding residential neighborhood and the documented medical needs of the user;
 - f. Chimneys, flagpoles and open fire escapes may not extend more than five feet above the principal structure or three feet from any lot line. Basement egress window wells may not extend closer than three feet to any lot line.
 - (2) In side and rear yards:
 - a. Fences that meet all other provisions of this chapter;
 - b. Walls and hedges six feet in height or less;
 - c. Bays not to exceed a depth of three feet or containing an area of more than 30 square feet, fire escapes and basement egress window wells not to exceed a width of three feet.
 - (3) On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets within a triangular area 30 feet from the intersecting street right-of-way lines.
 - (4) In no event shall off-street parking, structures of any type, buildings, or any impervious surfaces cover more than 75 percent of the lot areas, except for R-1 zoned land which is regulated by the schedule below:

Lot Area (sq. ft.)	Maximum Impervious Lot Coverage
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7,370 or less	45%
Over 7,370 to 1,5800	3,320 sq. ft. or 30%, whichever is greater
Over 15,800 to 34,000	4,940 sq. ft. or 20%, whichever is greater
Over 34,000	6,800 sq. ft. or 15%, whichever is greater

- (5) Porches with open railings which do not have walls, doors, windows or screens and which do not extend above the roof line of the building to which they are attached may encroach into the required front yard six feet if they are a minimum 24 feet from any front lot line. The encroachment into the front yard may not exceed 50 square feet.
- (c) Street frontage. All buildable lots must have frontage on and direct access to an improved public street except for planned unit development in which private streets have been approved by the city.

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

Sec. 113-242. - Fences.

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

- (1) All fences shall be kept in good repair, painted, trimmed and well maintained. In the event a front yard fence is adjacent to and parallel with the front lot line (or side lot line on the street side of a corner lot), such fence shall be set back at least one foot from the street right-of-way or property line.
- (2) Solid walls in excess of six feet above adjacent ground grades shall be prohibited.
- (3) That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- (4) All fences shall require a building permit in addition to any other required permits.
- (5) No fences shall be permitted on public rights-of-way.
- (6) Fences may be permitted along property lines subject to the following:
 - a. Fences may be placed along property lines provided no physical damage of any kind results to abutting property.
 - b. Fences in commercial and industrial districts may be erected on the lot line to a height of six feet plus two feet for a security (barbed wire or other) arm.
 - c. Where the property line is not clearly defined, a certificate of survey may be required by the zoning administrator to establish the property line.
 - d. Fences located within the side and rear yard nonbuildable setback areas beginning at the front building line and fences located within the buildable area of a lot shall not exceed six feet in height from finished grade.

- e. In residential districts, no fence along or within the front nonbuildable setback area shall be in excess of 36 inches in height.

(Code 1993, § 9-2.06)

Sec. 113-243. - Height limitations.

- (a) Conditional use permit. Any structural height that exceeds this chapter must have a conditional use permit.
- (b) Exemptions.
 - (1) Height limitations shall not apply to belfries, cupolas and domes, monuments, public and public utility facilities, silos, barns, church spires, chimneys, smokestacks, flagpoles, and parapet walls extending not more than four feet above the limiting height of the building.
 - (2) Height limitations shall not apply to rooftop structures such as mechanical equipment, elevator shaft and equipment enclosures and similar structures, provided said exceptions do not exceed ten feet in height above the roofline and the area does not exceed 15 percent of the roof area.
 - (3) Height limitations shall not apply to private T.V. or radio reception antennae extending more than ten feet above the limiting height of the building except if any portion of the structure exceeds four feet in diameter and is more than 20 percent opaque, a conditional use permit shall be required. Any T.V. or radio transmission or reception device or structure not attached to the principal building shall require a conditional use permit.
- (c) Airport. In all cases, however, no structure shall violate the limits and provisions of the airport plan of the Metropolitan Development Guide.

(Code 1993, § 9-2.07(1); Ord. No. 0-93-07, § 5, 7-28-1993)

Sec. 113-244. - Telecommunication towers and antennas.

- (a) Purpose. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the council finds that these regulations are necessary to:
 - (1) Maximize the use of existing and approved towers and buildings to accommodate new personal wireless service antennas in order to reduce the number of new towers necessary to serve the community;
 - (2) Ensure antennas and towers are designed, located, and constructed in accordance with all applicable Code requirements to avoid potential damage to adjacent properties from failure of the antenna and tower through structural standards and setback requirements;
 - (3) Require antennas and tower sites to be secured in order to discourage trespassing and vandalism; and
 - (4) Require tower equipment to be screened from the view of persons located on properties contiguous to the site and/or to be camouflaged in a manner to compliment existing structures to minimize adverse visual effects of antennas and towers.
- (b) Permits.
 - (1) It shall be unlawful for any person, firm, or corporation to erect, construct, place or re-erect, replace, or make structural repairs to any tower without first making application for and securing a building permit as provided in this chapter, except as provided in subsection (b)(3) of this section.

- (2) The applicant shall provide a report from a qualified and licensed professional engineer that demonstrates the tower's compliance with all applicable structural and electrical standards, including but not limited to the Minnesota State Building Code, and includes the engineer's certification.
- (3) Permits are not required for:
 - a. Adjustment, repair, or replacement of existing antennas or the elements of an antenna array affixed to a tower or antenna, provided that adjustment or replacement does not reduce the safety factor.
 - b. Routine maintenance (e.g., painting) and other nonstructural-related repairs of towers.
 - c. Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations, provided that all requirements of subsection (b)(5) of this section are met, with the exception of subsection (b)(5)i. of this section (regarding corrosive material) which is waived. Temporary antennas shall be removed within 72 hours following installation, unless additional time is approved by the building official. Temporary towers erected for emergency purposes may be exempt from setback requirements of this article as determined by the building official.
- (4) The fee to be paid is that prescribed under building permit fees.
- (5) All antennas and towers erected, constructed, or located within the city, including all necessary wiring, shall comply with the following requirements:
 - a. All applicable provisions of this chapter.
 - b. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Minnesota State Building Code and the electronics industry association and all other applicable reviewing agencies.
 - c. With the exception of necessary electric and telephone service and connection lines approved by the city, no part of any antenna or tower nor any lines, cable, equipment, or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
 - d. Towers and their antennas shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 - e. Antennas which are directly mounted to the ground, or which are mounted in any other way which would allow an individual to easily make contact with the active element, shall be shielded or fenced to reduce its shock hazard.
 - f. All towers shall be constructed to conform to the requirements of the occupational safety and health administration.
 - g. All towers shall be reasonably protected against unauthorized climbing.
 - h. Antennas and towers may only be erected in accordance with applicable zoning restrictions.
 - i. Towers shall be constructed of corrosive resistant metal material.
 - j. Persons responsible for all communication towers and their antennas shall maintain a general liability insurance policy that provides coverage for any damage to property or injuries to persons caused by collapse of the tower. Said insurance policy shall provide coverage on an occurrence basis in an amount no less than \$1,000,000.00.
- (c) Inspections; notice of violations. All towers may be inspected at least once each year by an official of the city to determine compliance with original construction standards. Deviations from original design for which a permit is obtained constitutes a violation of this section. Notice of violations shall be sent by registered mail to the owner of the property and the owner shall have 30 days from the date the notification is issued to make repairs. The owner shall notify the city that the repairs have been made,

and as soon as possible thereafter, another inspection shall be made and the owner notified of the results.

(d) Height and zoning district restrictions.

- (1) Tower height determination. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure, the tower, the antenna, and all attachments must meet the height restrictions of this section.
- (2) Antenna height determination. Antenna height includes the height of the antenna from the base of the antenna to the peak and all other attachments.
- (3) Height restrictions per zone. Zoning district restrictions and maximum heights for towers and antennas are as follows:
 - a. Rooftop antennas ten feet or less in height are a permitted use in all zoning districts except that commercial antennas are not permitted in an R-1 zone.
 - b. Towers or antennas no more than 110 feet in height are a permitted use in a P-1/R-1 zone except on the elementary school property located at 1393 Garden Avenue.
 - c. Towers or antennas over ten feet in height but no more than 110 feet in height are a conditional use in P-1 and B-2 zones if the property does not abut R-1 zoned property.
 - d. Nonfreestanding towers and nonfreestanding antennas over ten feet in height, which are attached to a structure over 45 feet in height are a conditional use in all zoning districts under the following conditions:
 1. The tower and antennas are located upon structures allowed as principal or conditional uses in the underlying zoning district or upon public structures.
 2. The tower and antennas are limited to a height of 15 feet projecting above the structure. The city may permit antenna heights of up to 25 feet above the structure if the applicant can demonstrate that, by a combination of tower or antenna design, positioning of the structure or by screening erected or already in place on the structure, off-site views of the antenna are minimized.
- (4) Amateur radio antennas. In accordance with the preemption ruling PRB1 of the Federal Communications Commission, towers supporting amateur radio antennas that comply with all other requirements of this section are exempted from the height limitations of this section, provided that such height is technically necessary to receive and broadcast amateur radio signals, and does not exceed 70 feet total height.

(e) Site location and setbacks. In residential and business districts towers and antennas must be located in the rear yard. In all districts, towers and antennas shall conform to each of the minimum setback requirements:

- (1) Towers shall meet the principal structure setbacks of the underlying zoning district except that towers and antennas must be set back one foot from all property lines for each foot of tower and/or antenna.
- (2) Towers shall not be located between a principal structure and a public street.
- (3) A tower or antenna setback may be reduced through a conditional use permit, at the sole discretion of the city council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, public communications tower, power line support device, or similar structure. The term "integration" may include replacement of an existing structure to include a personal wireless service provider, but does not include replication of a structure.

- (4) Only one tower shall exist at any one time on any one parcel, unless additional towers or antennas could be incorporated into existing structures such as a church steeple, light pole, power line support device, public communications building or other similar structure.
- (f) Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower for camouflage purposes, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- (g) Signs and advertising. No signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.
- (h) Accessory utility buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements for accessory structures of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- (i) Design standards. Proposed or modified towers and antennas shall meet the following requirements:
 - (1) Towers and antennas (including antenna cables) shall be designed to blend into the surrounding environment to the maximum extent possible as determined by the city through the use of building materials, colors, texture, screening, landscaping, and other camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration;
 - (2) Personal wireless service towers shall be of a monopole design unless the city council determines that an alternative design would better blend in to the surrounding environment.
- (j) Collocation requirement. All personal wireless service towers erected, constructed, or located within the city shall comply with the following requirements:
 - (1) A proposal for a new personal wireless service tower shall not be approved unless the city council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building that is greater than 60 feet in height, within a one-quarter mile search radius for towers less than 110 feet in height or a one-half mile search radius for towers equal to or greater than 110 feet in height of the proposed tower due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer.
 - c. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
 - (2) The applicant must demonstrate that a good faith effort to collocate on existing towers and structures was made, but an agreement could not be reached.
 - (3) Any proposed personal wireless service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 90 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

- (k) Antennas mounted on roofs, walls, and existing towers. The placement of commercial antennas on roofs, walls, and existing towers may be approved by the city, with a conditional use permit, provided the antennas meet the requirements of this chapter. In addition to the submittal requirements required elsewhere in this chapter, an application for a building permit for antennas to be mounted on an existing structure shall be accompanied by the following information:
 - (1) A site plan showing the location of the proposed antennas on the structure and documenting that the request meets the requirements of this chapter;
 - (2) A building plan showing the construction of the antennas and the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this chapter;
 - (3) Certification by a qualified and licensed professional engineer indicating the existing structure or tower's ability to support the antennas.
- (l) Nonconforming existing antennas and towers. Antennas and towers in residential districts and in existence as of the effective date of the ordinance from which this chapter is derived that do not conform or comply with this section are subject to the following provisions:
 - (1) Towers may continue in use for the purpose used and existing as of the effective date of the ordinance from which this chapter is derived, but may not be replaced or structurally altered without complying in all respects with this section.
 - (2) If such towers are subsequently damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit for the repair or restoration, but without otherwise complying with this chapter, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be 50 percent or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this section.
- (m) Abandoned or unused towers or portions of towers. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property. After the facilities are removed, the site shall be restored to its original or an improved state.
- (n) Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications.
- (o) Additional submittal requirements.
 - (1) In addition to the information required elsewhere in this chapter for an application for a building permit for towers and their antennas, applications for conditional use permits for such towers shall include the following supplemental information:
 - a. A report from a qualified and licensed professional engineer which does the following:
 - 1. Describes the tower height and design including a cross section and elevation;
 - 2. Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;
 - 3. Describes the tower's capacity, including the number and type of antennas that it can accommodate; and
 - b. For all personal wireless service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, so long as there is no negative structural impact upon the tower and there is no disruption to the service provided.

- (2) Before the issuance of a building permit, the following supplemental information shall be submitted:
 - a. Confirmation that the proposed tower complies with the requirements of the Federal Aviation Administration, Federal Communications Commission, and any appropriate state review authority or that the tower is exempt from those regulations; and
 - b. A report from a qualified and licensed professional engineer that demonstrates the tower's compliance with the applicable structural and electrical, but not radio frequency, standards.
- (p) Exemptions. The following antennas are exempt from the requirements under this section except as otherwise provided in this subsection:
 - (1) Satellite earth station antennas no more than ten feet in height that are two meters or less in diameter and located or proposed to be located in a business district;
 - (2) Antennas designed to receive signals as follows:
 - a. Antennas that are one meter or less in diameter and that are designed to receive direct broadcast satellite service, including direct-to-home satellite services;
 - b. Antennas that are one meter or less in diameter and that are designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or
 - c. Antennas designed to receive television broadcast signals;
 - (3) Antennas exempted under this section are subject to the following requirements:
 - a. Antennas (including antenna cables) shall be designed to blend into the surrounding environment through the use of appropriate colors, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration;
 - b. No lighting, signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities;
 - c. Antennas and any guy wires or guy wire anchors shall not be erected within a public or private utility and drainage easements, and shall be set back a minimum of five feet from all lot lines;
 - d. Antennas shall meet the setback requirements specified under this section and, to the extent feasible, placed in a position that is not visible from the street, unless placement in accordance with these requirements would impair reception of an acceptable signal;
 - e. Ground-mounted antennas shall not exceed ten feet in height and all other antennas must meet the height limitations in this section, unless the applicable height limitation would impair reception of an acceptable signal; in which case, antennas shall be limited to the minimum height necessary to obtain an acceptable signal;
 - f. Antennas shall not be constructed, installed, or maintained so as to create a safety hazard or cause damage to the property of other persons;
 - g. With the exception of necessary electric and telephone service and connection lines approved by the city, no part of any antenna nor any lines, cable, equipment, or wires or braces in connection with the antenna shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line;
 - h. Antennas, masts, and supporting cables shall conform to the latest structural standards and wind loading requirements of the Minnesota State Building Code and the electronics industry association and any other applicable reviewing agencies;

- (4) Satellite earth station antennas no more than ten feet in height, and satellite earth station antennas in excess of one meter in diameter and antennas designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter in diameter may be allowed as a conditional use within the residential zoning districts of the city and, in addition to the requirements of this section, shall comply with the following standards:
 - a. The lot on which the antenna is located shall be of sufficient size to assure that an obstruction-free receive window can be maintained within the limits of the property ownership;
 - b. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the receive window;
 - c. The antenna is not greater than three meters in diameter; and
 - d. The conditional use permit provisions of this chapter are considered and determined to be satisfied;
- (5) Satellite earth station antennas in excess of two meters in diameter and antennas designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter in diameter are allowed as a conditional use within the B-1, B-2, B-3, P-1, P-1/R-1, and P-1/B-2 districts of the city and, in addition to the requirements of this section, shall comply with the following standards:
 - a. The lot on which the antenna is located shall be of sufficient size to assure that an obstruction-free transmit-receive window or windows can be maintained within the limits of the property ownership;
 - b. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the transmit-receive window; and
 - c. The conditional use permit provisions of this chapter are considered and determined to be satisfied.

(q) Violations. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

(Code 1993, § 9-2.07(2); Ord. No. 0-97-01, § 1, 2-12-1997; Ord. No. 97-07, § 3, 9-24-1997)

Sec. 113-245. - Essential services.

Essential services as defined herein shall be permitted as authorized and regulated by state law and Code of the city, except as further regulated herein.

(Code 1993, § 9-2.08)

Sec. 113-246. - Land reclamation.

Land reclamation as defined herein shall be permitted only by conditional use permit in all districts.

(Code 1993, § 9-2.10)

Sec. 113-247. - Mining.

Mining shall be permitted only by conditional use permit.

(Code 1993, § 9-2.11)

Sec. 113-248. - Firewood storage.

- (a) Scope. This section applies to the storage of wood on residential properties within the city. The section shall apply to any wood or wood product usually used or intended to be used as firewood.
- (b) Conditions of storage. To protect the public health and safety, woodpiles must be erected, located, and maintained in a safe and orderly fashion:
 - (1) In neat and secure stacks;
 - (2) The maximum height allowed for the woodpile is six feet;
 - (3) No wood shall be stored within the required minimum area of setback from the street right-of-way;
 - (4) No wood shall be stored in any yard which is commonly considered the front yard.
- (c) Exemptions. Wood stored or kept in a covered structure impervious to the elements is exempt from the conditions outlined in subsection (b) of this section.
- (d) Existing woodpiles. Any woodpile in existence as of the date of the passage of the ordinance from which this chapter is derived which does not comply with the provisions of this section must be moved or placed in compliance within 90 days after written notice to comply has been given to the occupant of the residence by the zoning administrator. Such notice shall be in writing and shall be served upon the property owner either in person or by mail.

(Code 1993, § 9-2.13)

Sec. 113-249. - Manufactured homes.

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

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

(Code 1993, § 9-11.02)

Sec. 113-250. - Private automobile repair and reconditioning.

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

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

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

- (b) Requirements. Private automobile repair may be conducted in residential zones subject to the following conditions:
- (1) Vehicle registration. Automobiles on which repair work is done must be registered to the owner or occupant of the property.
 - (2) Location of repair work. In R-1, R-2, and R-4 residential districts minor repair work may be done in a private garage, a garage attached to a dwelling unit, or on an improved driveway surface; and major repair work may be done in a private garage, a garage attached to the dwelling unit, or, if a permit is obtained from the city zoning administrator, on an improved driveway surface. In an R-4 zone, the location of major and minor repair work shall also be governed by regulations of the property owner.
 - (3) Hours. Except as herein provided, major and minor repair work may be conducted between the hours of 8:00 a.m. and 8:00 p.m.
 - (4) Permit. Where an automobile repair permit is required, an application shall be made on forms provided by the city zoning administrator. An automobile repair permit shall expire ten days after issuance unless extended for five additional days by the city zoning administrator. Further extensions shall require approval of the city council.
 - (5) Nuisance. In no event shall major or minor repair work be conducted in a manner that creates an unreasonable disturbance for the owners of adjacent or nearby property.

(Code 1993, § 9-13.07)

Sec. 113-251. - Vehicle sales.

- (a) Residential district. Motor vehicles and recreational vehicles which are permitted within the respective residential district may be advertised for sale and sold provided the vehicle is owned by the resident where the vehicle is parked and the vehicle is currently licensed and operable. Vehicles that are displayed for sale shall not be parked or stored on public property or the public rights-of-way on Snelling Avenue and its frontage roads, Hamline Avenue, Fairview Avenue, Roselawn Avenue and Cleveland Avenue. At no time shall any commercial vehicle be parked within a residential district and advertised for sale.
- (b) Nonresidential district. Motor, commercial, and recreational vehicles shall not be displayed for sale or sold within nonresidential districts unless as part of an approved licensed sales dealership or for short-term parking (12 hours or less) if the vehicle is owned by an employee of said business where the vehicle is parked with the consent of the business owner.

(Code 1993, § 9-13.08; Ord. No. 2004-01, § 1(9-13.08), 5-5-2004)

Sec. 113-252. - Drive-through facilities.

Drive-through facilities are prohibited except when specifically allowed by a conditional use permit in a zoning district. When allowed, all drive-through facilities must comply with the following requirements:

- (1) The drive-through facility, service window and speakers must be located at least 100 feet from a residential zoned or used property and must be visually screened from adjoining residential property.
- (2) The entrance and exit drive lanes to the drive-through facility must be at least 75 feet from a street intersection.

- (3) The lot on which the drive-through facility is located must be at least 35,000 square feet in area.
- (4) The minimum on-site stacking distance available for the drive-through must be 180 feet in length.
- (5) Drive-through facilities may only be operated between the hours of 7:00 a.m. and 8:00 p.m.
- (6) No speaker noise may be audible from adjacent residential property.
- (7) A traffic study must be completed documenting that the drive-through facility will not create traffic problems.

(Ord. No. 06-03, § 2, 9-13-2006)

Sec. 113-253. - Mobile storage structures.

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

(Ord. No. 07-03, § 2, 1-10-2007)

Sec. 113-254. - [Solar energy systems.]

- (a) Purpose and scope. The City of Falcon Heights has adopted this section to meet the comprehensive plan goal of becoming a sustainable, energy efficient community and to preserve the health, safety and welfare of the community's citizens by promoting the safe, effective and efficient use of solar energy systems to reduce consumption of fossil fuels. This section applies to all solar energy installations in the City of Falcon Heights.
- (b) Permitted accessory use. Active solar energy systems are an accessory use in all zoning districts, subject to the following requirements:
 - (1) Height. Active solar energy systems must meet the following height requirements:
 - a. Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
 - b. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
 - (2) Setback. Active solar energy systems must meet the accessory structure setback for the zoning district in which the system is located.
 - a. Roof-mounted solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

- b. Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the side yard or rear setback when oriented at minimum design tilt.
- (3) Visibility. Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
 - a. Building integrated photovoltaic systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks and regulations for the district in which the building is located.
 - b. Solar energy systems with mounting devices. Solar energy systems using roof-mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than 12 inches above the roof.
 - c. Coverage. Roof- or building-mounted solar energy systems, excluding building-integrated systems, shall not cover more than 80 percent of the south-facing or flat roof upon which the panels are mounted. The surface area of pole- or ground-mount systems shall not exceed half the building footprint of the principal structure.
 - d. Lot coverage. The surface area of pole- of ground-mount systems shall be treated as impervious coverage as regulated for each zoning classification. Allowed impervious coverage may be increased by up to ten percent above maximum lot coverage for the zone provided 100 percent of the excess is accounted for by an approved solar ground- or pole-mounted solar energy system.
- (4) Approved solar components. Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
- (c) Plan approval required. All solar energy systems shall require administrative approval by the zoning and planning administrator.
 - (1) Plan applications. Plan applications for solar energy systems shall be accompanied by a site plan and by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 - (2) Pitched roof-mounted solar energy systems. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - (3) Flat roof-mounted solar energy systems. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 - (4) Compliance with building code. All active solar energy systems shall require a building permit.
 - (5) Compliance with state electric code. All photovoltaic systems shall comply with the Minnesota State Electric Code.
 - (6) Compliance with state plumbing code. Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
 - (7) Utility notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the planning and zoning department that the owner has submitted notification to the utility

company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

- (8) Plan approvals. Applications that meet the design requirements of this section shall be granted administrative approval by the zoning and planning administrator. Plan approval does not include building, electric, or plumbing code approval. If applicable, such approvals must also be obtained.

(Ord. No. 13-05, § 2, 11-13-2013)

Secs. 113-255—113-280. - Reserved.

DIVISION 2. - OFF-STREET PARKING AND LOADING

Subdivision I. - In General

Secs. 113-281—113-308. - Reserved.

Subdivision II. - Off-Street Parking

Sec. 113-309. - Scope and purpose.

- (a) The provisions of this subdivision shall apply to all buildings, structures and uses of land herein governed by this chapter.
- (b) Regulation of off-street parking and loading spaces in this chapter is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking, loading and unloading from motor vehicles in accordance with the utilization of the various parcels of land and structures.
- (c) Structures or uses for which a building permit has been issued prior to the effective date of the ordinance from which this chapter is derived, but for which work has not been completed shall be exempt from the hereinafter stated parking requirements if the structure is completed within six months after the effective date of the ordinance from which this chapter is derived.

(Code 1993, § 9-13.04)

Sec. 113-310. - Residential districts.

Off-street parking and loading shall be as required and regulated in specific sections of this chapter and by the applicable general provisions of this section herein.

- (1) The following provisions apply to the R-1 and R-2 districts:
 - a. Parking shall be permitted on hard-surfaced areas designed for that purpose and for providing access to garage, carport or open parking area and provided that no driveway or off-street open parking area shall be located closer than five feet from the property line on that side. The five feet of property known as the side yard shall be landscaped as shall the remainder of the front yard applying to the residential portion of the house and continuing to the far lot line removed from the access and/or parking driveway. Parking shall not be permitted in any part of landscaped yards, boulevards, grass portion of street right-of-way or other such areas (except as allowed for boats and unoccupied trailers under "exterior

storage" provisions of this chapter). And provided further that from November 15 to April 1, the unsurfaced portion of the front yard of any property in a residential district may be used for parking one passenger vehicle registered in the name of a resident, if there is a single driveway, and the vehicle is parked parallel to the driveway and on one uniform side of the driveway, and the width of the parking area does not exceed eight feet. For purposes of this chapter a "passenger vehicle" shall mean a two- or four-door sedan or van used primarily for transporting passengers, and shall not include pickups, trucks, campers, recreational vehicles or buses.

- b. At least two and not more than four parking spaces are required for each dwelling unit. At least one of the parking spaces must be enclosed.
- c. No motor vehicle over one ton capacity bearing a commercial license and no commercially-licensed trailer shall be parked or stored in a residential district except when loading, unloading, or rendering service. No campers, boats, trailers, or snowmobiles shall be parked or stored in any front or side yard; boats and unoccupied trailers meeting criteria for "exterior storage" under this chapter may be stored in the rear yard.
- d. One-family homes may utilize the public street for the loading and unloading of furniture, moving trucks and other common and customary activities associated with residential use, excluding service and repair of vehicles except for the changing of tires, provided such activities do not block street traffic, cause traffic congestion or hazards, or otherwise constitute a public nuisance.

(2) The following provisions apply to the R-3 and R-4 districts:

- a. All accessory off-street parking facilities required herein shall be located as follows:
 - 1. Spaces accessory to multiple-family dwellings on the same lot as the principal use served and within 200 feet of the main entrance to the principal building served. Parking as required by the building code for the handicapped shall be provided.
 - 2. Off-street parking spaces shall not be located on or project into a street or alley right-of-way.
 - 3. No driveway or off-street open parking area shall be located closer than five feet from an adjacent lot zoned or used for residential purposes.
 - 4. Off-street parking spaces shall not be located within any required front or side yard setback.
- b. Reserved.
- c. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or one truck not to exceed 7,000 pounds gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, or customers of nearby business or manufacturing establishments.
- d. The number of off-street parking spaces required for various land uses as specified herein shall be considered as absolute minimum requirements. Additional off-street parking spaces may be required by the zoning administrator or planning commission. It is public policy that all public streets in the city are intended primarily for the movement of traffic; on-street curb parking shall be considered a privilege that may or may not be granted on a street-by-street basis.
- e. Off-street parking spaces required (one space equals 350 square feet) shall be as follows for:

Multiple-family dwellings. At least two parking spaces per dwelling unit except that two and one-half parking spaces per dwelling unit are required for multiple units of ten or less that

abut no parking (on street curb) zones. At least one-half of the required spaces shall be enclosed unless the property abuts an alley. (Garage requirements may be waived for apartment projects designed and intended for occupancy by low-income families.)

- (3) The following provisions apply to the R-5M district: The requirements of the R-4 district shall apply except that at least 80 percent of the required parking spaces for apartment buildings shall be below grade and integrated into the apartment building.

(Code 1993, §§ 9-4.01(5), 9-5.01(5), 9-6.01(5), 9-7.01(5), 9-13.04(1); Ord. No. 0-96-01, § 4, 2-28-1996; Ord. No. 09-01, § 1, 4-8-2009; Ord. No. 10-06, §§ 6, 7, 9-8-2010; Ord. No. 12-07, § 1, 7-11-2012)

Sec. 113-311. - Surfacing and drainage.

Off-street parking areas shall be improved with a durable and dustless surface. Parking areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. All driveways and off-street parking areas shall be permanently surfaced with either concrete or asphalt or impervious decorative pavement such as brick between the street and garage. (This does not require the resurfacing of existing driveways with parallel tracks into one contiguous surface.) Commercially zoned properties and R-4 properties shall utilize asphalt, concrete or a reasonable substitute surface as approved by the city engineer and capable of carrying a wheel load of 4,000 pounds. All surfacing must be completed prior to occupancy unless other arrangements have been made with the zoning administrator.

(Code 1993, § 9-13.04(2); Ord. No. 0-96-01, § 4, 2-28-1996)

Sec. 113-312. - Location.

All required accessory off-street parking facilities required herein shall be located as follows:

- (1) Spaces accessory to one- and two-family dwellings as regulated in sections 113-174 and 113-175
- (2) Spaces accessory to multiple-family dwellings as regulated in sections 113-175 and 113-176
- (3) Spaces accessory to uses located in a business district shall be within 500 feet of a main entrance to the principal building served. Parking as required by the building code for the handicapped shall be provided.
- (4) There shall be no off-street open parking space within ten feet of any street right-of-way.
- (5) No driveway or off-street open parking area shall be located closer than five feet from an adjacent lot zoned or used for residential purposes, except when adjoining an existing parking area on the adjacent lot.

(Code 1993, § 9-13.04(3))

Sec. 113-313. - Underground parking credits.

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

(Code 1993, § 9-13.04(4))

Sec. 113-314. - Miscellaneous provisions.

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

Stall Angle (degrees)	Curb Length (feet)	Vehicle Projection (feet)	Aisle (feet)	Traffic Flow
45	9	22	14	One way
60	9	21	16	One way
75	9	21	18	One way
90	9	18	24	Two way
90 compact	8	16	24	Two way
Parallel	23	8.5	22	

Handicapped parking spaces. Spaces for the handicapped shall be at least 12 feet wide and 18 feet in length. The size, number, and location of stalls reserved for handicapped parking shall be provided and identified as required by applicable regulations. These spaces are included in the computation for the minimum parking space requirement.

- (d) Use of parking facilities. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or one truck not to exceed 7,000 pounds gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby business or manufacturing establishments.
- (e) Joint parking facilities. Off-street parking facilities for a combination of mixed buildings, structures or uses may be provided collectively in any district (except residential districts) in which separate parking facilities for each separate building, structure or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak

hour parking period and a copy of the private joint parking agreement is approved by the zoning administrator and placed on file with the city along with a certificate of occupancy for all land area involved.

- (f) Control of off-street facilities. When required, accessory off-street parking facilities that are provided elsewhere than on the lot in which the principal use served is located shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the zoning administrator requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.
- (g) Use of parking area. Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale or for rent or other nonparking purposes except by the granting of a variance.
- (h) Lot coverage. In residential districts, no more than 32 percent of the required front yard area shall be surfaced or utilized for driveway or vehicle storage space, but in no case shall a driveway in a required front yard exceed 24 feet in width as measured at the property line.
- (i) Minimum spaces required. The number of off-street parking spaces required for various land uses as specified herein shall be considered as absolute minimum requirements. Additional off-street parking spaces may be required by the zoning administrator or planning commission.
- (j) Parking restrictions. Parking shall be permitted on hard-surfaced areas designed for such use only; parking shall not be permitted in landscaped yards, boulevards, grass portion of street right-of-way or other such areas, except as provided in section 113-310(1)a.

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

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

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

screening not over four feet in height shall be erected along the front yard setback line and grass or planting shall occupy the space between the sidewalk and curb or screening. Wheel guards as approved by the zoning administrator may be used.

- (g) Planting islands. Within any parking lot containing more than 20 parking stalls, the city may require landscaped planting islands of a type, size and location as approved by the city council.
- (h) Parking space for six or more cars. When a required off-street parking space for six or more cars is located adjacent to a residential district, a fence or screen not less than four feet in height shall be erected along the residential district property line, plus additional screening as may be required by the zoning administrator.
- (i) Maintenance of off-street parking space. It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping and required fencing.
- (j) Access. All off-street parking spaces shall have access from driveways and not directly from the public street.
- (k) Determination of areas. The parking space per vehicle shall not be less than 350 square feet of parking and maneuvering area or an area equal to the width of the parking space multiplied by the length of the parking space plus 15 feet.
- (l) Proximity to buildings. No parking space shall be closer than ten feet to any building.
- (m) Fire access lanes. Fire access lanes shall be provided as required by the building or fire code or the zoning administrator.
- (n) Calculation of floor space for parking requirements. Floor area or gross floor area of a building for purposes of calculating required parking space for retail uses shall include only that floor space devoted to retail sales as defined herein; it shall not include storage space, restrooms, interior pedestrian mall space unless retail activities are located on floor area of said mall, hallways, enclosed walkways, utility rooms, window displays, office of building management or maintenance, lobbies or similar floor space not generating a demand or need for parking space. Due consideration shall, however, be given to floor area which may and could reasonably be expected to be converted to retail or other commercial activity and thereby increase the need for parking space.
- (o) Shopping centers and large retail outlets. Shopping centers or individual retail outlets with over 5,000 square feet of floor area shall provide parking on the basis of 5.5 spaces per 1,000 square feet of gross leasable area.
- (p) Setbacks (yards). Except as specifically authorized and permitted by zoning district provisions, off-street parking shall not be located in required yards.
- (q) Number of spaces. Off-street parking spaces shall not be reduced in number unless said number exceeds the requirements set forth herein.
- (r) Off-street parking requirements. Off-street parking spaces required (one space equals 350 square feet) shall be as follows unless the city determines, based upon a professional analysis of parking for any specific use, that a reasonable parking ratio for such use should be otherwise:
 - (1) One- and two-family residences. Two spaces per dwelling unit but not to exceed four per unit.
 - (2) Multiple-family dwellings. At least two parking spaces per dwelling unit except that 2½ parking spaces per dwelling unit are required for multiple units of ten or less that abut no parking (on street curb) zones. At least one-half of the required spaces shall be enclosed. (Garage requirements may be waived for apartment projects designed and intended for occupancy by low income families.)
 - (3) Churches, theaters, auditoriums, mortuaries, and other places of assembly. One space for each three seats or for each five feet of pew length. Based upon maximum design capacity.
 - (4) Offices. One space for each 200 square feet of gross floor space.

- (5) Hotel, motel. One space per unit, plus one space per employee, plus one space for each three persons who may be accommodated in a bar, restaurant, meeting room, swimming pool, convention facility or similar place of public assembly based upon maximum design capacity.
- (6) Schools, elementary and junior high. Three spaces for each classroom.
- (7) High school through college. One space for each four students based on design capacity plus three additional spaces for each classroom.
- (8) Hospitals. One space for each three hospital beds, plus one space for each three employees other than doctors, plus one space for each resident and regular staff doctor. Bassinets shall not be counted as beds.
- (9) Sanitarium, convalescent home, rest home, nursing home, or institution. One space for each six beds for which accommodations are offered, plus one space for each two employees on maximum shift.
- (10) Additional parking. Additional parking shall be provided for all schools with theaters, auditoriums, swimming pools, gyms, football stadiums or other places of public assembly or participation in the amount of one space for each three persons based upon maximum design capacity.
- (11) Drive-in food or fast food establishments. One space for each 15 square feet of gross floor space in the building allocated to drive-in operation, plus additional space as may be determined by the zoning administrator based upon advice from the planning commission. Drive-through lanes for food pick-up must be able to stack eight cars on site without interfering with the site parking.
- (12) Bowling alley. Six spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant.
- (13) Motor fuel station. Two spaces plus three spaces for each service stall.
- (14) Retail. One space for each 150 square feet of gross floor area.
- (15) Medical or dental clinic. Six spaces per doctor or dentist or one space for each 200 square feet of gross floor area, whichever is greater.
- (16) Restaurant and/or cafeteria. One space per 2.5 seats, plus one space per 20 square feet of the combined area of bar, lounge and public space, minus the first 250 square feet plus one space per 50 square feet of banquet dining area, plus one space per five seats outdoor dining.
- (17) Furniture store, wholesale, auto sales, repair shops. Three spaces for each 1,000 square feet of gross floor area. Open sales lots shall provide two spaces for each 5,000 square feet of lot area, but not less than three spaces.
- (18) Industrial, warehouse, storage, handling of bulk goods. One space for each two employees on maximum shift or one for each 2,000 square feet of gross floor area, whichever is the larger.
- (19) Uses not specifically noted. As determined by the planning commission.
- (20) Planned unit developments and conditional uses. Spaces to be provided in amounts and locations as per approved site development plans and permit conditions imposed by the planning commission.
- (21) Auto repair, bus terminal, taxi terminal, boats and marine sales and repair, bottling company, shop for a trade employing six or fewer people, garden supply store, building material sales in structure. Eight off-street parking spaces, plus one additional space for each 800 square feet of floor area over 1,000 square feet.
- (22) Skating rink, dance hall, or public auction house. Twenty off-street parking spaces plus one additional off-street parking space for each 200 square feet of floor space over 2,000 square feet.
- (23) Golf driving range, miniature golf, archery range. Ten off-street parking spaces plus one for each 100 square feet of floor area.
- (24) Baseball fields, stadiums. At least one parking space for each eight seats of design capacity.

- (25) Community centers, physical culture studios, libraries, private clubs, lodges, art galleries. Ten spaces plus one for each 150 square feet in excess of 2,000 square feet of floor area in the principal structure.
- (26) Animal hospitals and professional offices. Three spaces plus at least one space for each 200 square feet of floor area.
- (27) Business service establishment. At least one off-street parking space for each 200 square feet of floor area.
- (28) Food delivery restaurants. Parking requirements are one stall per employee on duty, one stall per seat should be provided, one stall per two delivery vehicles when owned, operated, and stored by employees, one stall per delivery vehicle when owned and operated by restaurant. One loading bay per store is required.
- (29) Parking ratio. Based on a professional analysis of parking for any specific use, the city council may determine a reasonable parking ratio for such use.

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

Secs. 113-316—113-333. - Reserved.

Subdivision III. - Off-Street Loading

Sec. 113-334. - Location.

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

(Code 1993, § 9-13.05(1))

Sec. 113-335. - Size.

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

(Code 1993, § 9-13.05(2))

Sec. 113-336. - Street access.

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

(Code 1993, § 9-13.05(3))

Sec. 113-337. - Accessory use.

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

(Code 1993, § 9-13.05(4))

Sec. 113-338. - Alterations.

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

(Code 1993, § 9-13.05(5))

Sec. 113-339. - Schools.

No public or private schools shall load or unload buses from public streets but shall provide off-street loading and unloading facilities.

(Code 1993, § 9-13.05(6))

Sec. 113-340. - Repair and service.

No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential district.

(Code 1993, § 9-13.05(7))

Sec. 113-341. - Utilization.

Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(Code 1993, § 9-13.05(8))

Sec. 113-342. - Central loading.

Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

- (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
- (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Area of types of uses may be totaled before computing number of loading berths.)
- (3) No zoning lot served shall be more than 300 feet removed from the central loading area.

(Code 1993, § 9-13.05(10))

Sec. 113-343. - Minimum facilities.

Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot as approved by the zoning administrator.

(Code 1993, § 9-13.05(11))

Sec. 113-344. - Business districts.

Off-street loading spaces accessory to uses allowed in the several business districts shall be provided in accordance with the following minimum requirements:

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

(Code 1993, § 9-13.05(12))

Sec. 113-345. - Other zoning districts.

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

(Code 1993, § 9-13.05(13))

Sec. 113-346. - Temporary use permit.

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

(Code 1993, § 9-13.05(14))

Sec. 113-347. - Use by taxi, bus.

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

(Code 1993, § 9-13.05(15))

Secs. 113-348—113-367. - Reserved.

DIVISION 3. - DESIGN AND PERFORMANCE STANDARDS

Sec. 113-368. - Minimum standards.

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

(Code 1993, § 9-14.01(1))

Sec. 113-369. - The principal building.

- (a) Except as provided by a conditional use permit issued pursuant to this chapter, there shall be no more than one principal building on any one lot or parcel of land.
- (b) No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior above or accessory building shall be used at any time as a dwelling unit.
- (c) Principal buildings with more than one use, in which one of those uses is a dwelling unit, shall require a conditional use permit.
- (d) All principal buildings hereafter erected on unplatted land shall be so placed as to avoid obstruction of future street or utility extensions and shall be so placed as to permit reasonably anticipated future subdivisions and land use.
- (e) The keeping of animals except for domesticated pets inside of the dwelling unit shall be prohibited.

(Code 1993, § 9-14.01(2))

Sec. 113-370. - Exterior storage.

- (a) All existing uses shall comply with this standard by January 1, 1987.
- (b) In all districts, all personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except for the following:
 - (1) Laundry drying and playground equipment.
 - (2) Construction and landscaping materials and equipment currently (for a period not greater than 12 months) being used on the premises.
 - (3) Garden equipment and materials if these are used or intended for use on the premises.
 - (4) Off-street parking of licensed passenger automobiles and pickup trucks.
 - (5) Boats and unoccupied trailers, less than 25 feet in length, are permissible if stored in the rear yard more than ten feet from any property line.
 - (6) In single-family residential districts (R-1), closed refuse or garbage containers, so long as they are not visible from the street.
- (c) In nonresidential districts, exterior storage of personal property may be permitted by variance provided any such property is so stored for purposes related to a use of the property permitted by this chapter and will not be contrary to the intent and purpose of this chapter.
- (d) In all districts, all waste, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Existing uses shall comply with this provision within 90 days following the effective date of the ordinance from which this chapter is derived.
- (e) All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a variance, or otherwise permitted by provisions of this chapter, shall be considered as refuse.

(Code 1993, § 9-14.01(3))

Sec. 113-371. - Environmental pollution.

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

(Code 1993, § 9-14.01(4))

Sec. 113-372. - Screening.

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

(Code 1993, § 9-14.01(5))

Sec. 113-373. - Landscaping.

- (a) Landscaping on a lot shall consist of a finish grade and a soil retention cover such as sod, seed and mulch, plantings, or as may be required by the zoning administrator to protect the soil and aesthetic values on the lot and adjacent property.
- (b) In all districts, all developed uses shall provide landscaping from the urban curb and gutter to the road right-of-way lines. This landscaped yard shall be kept clear of all structures, exterior storage, and off-street parking.
- (c) Landscaping shall be provided and maintained on all required front and side yards in all developed districts.

(Code 1993, § 9-14.01(6))

Sec. 113-374. - Reasonable maintenance and repairs required.

In all districts, all structures, landscaping and fences shall be reasonably maintained and kept in a good state of repair so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property.

(Code 1993, § 9-14.01(7))

Sec. 113-375. - Lighting, lighting fixtures and glare.

- (a) All existing uses shall comply by January 1, 1989.
- (b) In all districts, any lighting used to illuminate an off-street parking area, or other structure or area, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of light shall be hooded or controlled so as not to light adjacent property. Bare lightbulbs shall not be permitted in view of adjacent property or public right-of-way. No light or combination of lights which cast light on a public street shall exceed two footcandle meter reading as measured from the centerline of said street nor shall any light or combination of lights which cast light on residential property exceed 0.5 footcandle.
- (c) Lighting standards shall not exceed 25 feet or the height of the principal building on a lot, without a conditional use permit.

(Code 1993, § 9-14.01(8))

Sec. 113-376. - Traffic control.

- (a) The traffic generated by any use shall be controlled so as to prevent:
 - (1) Congestion of the public streets;
 - (2) Traffic hazards; and
 - (3) Excessive traffic through residential areas, particularly truck traffic.
- (b) Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall in all cases be forward-moving with no backing into streets.
- (c) On any corner lot, nothing shall be placed or allowed to grow in such manner as to impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets within 15 feet of the intersecting street right-of-way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within 15 feet of any intersecting street right-of-way lines.
- (d) Minimum distance for access drives from corners shall be no closer than 20 feet from intersecting street right-of-way lines.

(Code 1993, § 9-14.01(9))

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

- (a) All existing uses shall comply with this standard by January 1, 1989.
- (b) All uses associated with the bulk storage of over 2,000 gallons of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a conditional use permit in order that the zoning administrator may have assurance that fire, explosion, water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. All existing, aboveground liquid storage tanks having a capacity in excess of 2,000 gallons shall secure a

conditional use permit within 12 months following enactment of the ordinance from which this chapter is derived; the zoning administrator shall require the development of diking around said tanks, suitably sealed to hold a leakage capacity equal to 115 percent of the tank capacity. Any existing storage tank that, in the opinion of the planning commission, constitutes a hazard to the public safety shall discontinue operations within five years following enactment of the ordinance from which this chapter is derived.

- (c) No activities involving the commercial storage, use or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically permitted by the city council. Such materials shall include but not be confined to all primary explosives such as lead azide and mercury fulminate, all high explosives and boosters such as TNT, tetryl and nitrates, propellants and components thereof such as nitrocellulose, black powder and nitroglycerine, blasting explosives such as dynamite, and nuclear fuel and reactor elements such as uranium 235 and plutonium. Explosives shall include grain storage and other dust sources.

(Code 1993, § 9-14.01(10))

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

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

(Code 1993, § 9-14.01(11))

Sec. 113-379. - Guesthouses.

- (a) Guesthouses for the purpose of this section shall be an accessory building detached from the principal building with temporary accommodations for sleeping, but having no kitchen facility. It is intended for the use of persons visiting the occupants of the principal structure.
- (b) Guesthouses may be permitted as a conditional use in all residential districts and shall conform to all requirements of this chapter and other regulations applicable to residential dwellings including setback and yard requirements in relation to the principal structure.
- (c) All guesthouses shall have designated off-street parking spaces.

(Code 1993, § 9-14.01(12))

Sec. 113-380. - Dwelling units in commercial districts.

- (a) Dwelling units for watchman and family shall be considered as accessory uses and shall conform to all applicable regulations for the district in which located, except as herein modified.
- (b) A dwelling unit in the commercial district located in a commercial structure shall not occupy the basement or the front half of the ground floor.
- (c) A dwelling unit in a commercial or industrial building shall not contain more than one bedroom unless said building is part of a planned unit development.
- (d) No dwelling unit shall be permitted in a business district except as part of a planned unit development.
- (e) A dwelling unit which is a part of the principal building shall be provided with two exits.
- (f) All buildings shall conform to the building code and applicable fire codes.

(g) Residential use shall not be permitted on the ground floor of any building in the B-2 district.

(Code 1993, § 9-14.01(13))

Sec. 113-381. - Coin-operated machines.

Coin-operated automatic machines dispensing food, soft drinks and other food and materials shall not be permitted outside of a building.

(Code 1993, § 9-14.01(14))

Sec. 113-382. - Swimming pools.

- (a) Private swimming pools; general requirements. Private swimming pools as regulated by this section are defined as any enclosure designed, intended or used for the containment of water, whether constructed above ground level or below ground level and in excess of 18 inches in depth or 100 square feet of surface area which is designed, intended or used for swimming, wading or other recreational use by the owner, family, guest of the property owner without payment of a fee.
- (b) Permit required; application; inspection.
- (1) Building permit. No swimming pool shall be constructed, excavated or established in the city without first obtaining a building permit.
 - (2) Application. An application for permit shall be submitted to the building inspector which includes the type and size of the pool, together with a site plan containing the following information:
 - a. Complete plans and specifications for the construction of the pool.
 - b. A site plan showing the location of all existing structures on the lot including house, garage, fences; location of existing underground or overhead wiring, utility easements, trees and similar other significant improvements or natural features; and location of structures on adjacent lots.
 - c. The proposed location of pumps, filters, wiring, electrical sources, protective fencing, back flush and drainage outlets, grading plans and finish elevation around the pool.
 - (3) Inspection. All wiring, installation of heating units, grading, installation of pipe, or other construction shall be subject to inspection and shall conform to the state building code.
- (c) Minimum setback requirements.
- (1) Utility lines. No pool shall be located within ten feet (measured horizontally) of underground or overhead utility lines of all types.
 - (2) Easements. No pool shall be located within any private or public utility, drainage, walkway or other easement.
 - (3) Special rules; single-family districts. Special rules for pools in single-family residential districts:
 - a. Rear yard setback. No pool shall be located within eight feet of any rear lot line.
 - b. Side yard setback. No pool shall be located within five feet of any side lot line.
 - c. Front yard setback. No pool shall be located within five feet of any required front yard.
 - d. Setback to existing structures. No pool shall be located within six feet of any principal structure or footing.

- e. Setback requirements for pool equipment. No pool filter unit, pump, heating unit and/or any other noisemaking mechanical equipment shall be located within 25 feet of any residential structure on adjacent property and not closer than eight feet to any lot line.
- (4) Special rules; two-family or multiple-family. This paragraph applies to pools in two-family residential districts or multiple-family residential districts. Private swimming pools intended for and used by occupants and guests of occupants of multiple-family dwellings shall adhere to the following regulations:
- a. No part of the water surface of the swimming pool shall be closer than 50 feet to any lot line.
 - b. No pumps, filter, or other apparatus used in connection with the pool shall be located closer than 50 feet to any lot line.
- (d) Miscellaneous requirements.
- (1) Liability. All pools shall be so constructed as to avoid hazard, damage or considerable inconvenience to adjacent property owners or property. The property owner shall be liable for damages to any business or private property caused during pool construction.
 - (2) Drainage. All back flushing or pool drainage water shall be directed onto the owner's property or onto approved public drainageways, and shall not drain onto adjacent private land. Drainage onto public streets or other public drainageways shall require a conditional use permit.
 - (3) Lighting. Any pool lighting aboveground shall be directed toward the pool and not toward adjacent property.
 - (4) Filling of the pool. Filling of pools from fire hydrants or other public facilities shall require the permission of the appropriate city officials.
- (e) Protective fencing.
- (1) Height. Pools shall be completely enclosed with four-foot fencing which shall effectively prevent the entrance of children and be without external hand or foot holds that would enable a child to climb over it. Chainlink fence may be used. Fencing of aboveground pools shall not be required if the poolsides meet the fence stipulations above and it is provided with a removable ladder.
 - (2) Gates and latches. The fence openings shall be equipped with self-closing gates and self-latching devices. All the openings shall be inaccessible to small children and at least four feet from ground level. In the alternative, the perimeter of the yard, including driveway entrance, may be fenced and enclosed. The opening between the bottom of the fence and gates and the ground shall be no more than four inches.
 - (3) Posts. All fence posts shall be placed no further than eight feet apart and be of decay- or corrosion-resistant materials and shall be set in concrete bases or other suitable method.
 - (4) Construction fence. No person shall fill or cause to be filled a newly constructed pool or a pool under construction with water to a depth of more than 18 inches until the building inspector authorizes the filling of the pool with water. Such authorization shall be withheld until, as a minimum, the permittee has completely enclosed the swimming pool with a construction fence. This requirement does not apply to aboveground pools if the walls are at least four feet abovegrade. Said construction shall be:
 - a. Snow fence or similar design and securely anchored in place.
 - b. Constructed with its base flush to the ground.
 - c. At least four feet in height and have supportive posts placed no more than eight feet apart.
 - d. In place until a permanent fence completely enclosing the pool is installed to the specifications identified above and said fence is approved by the building inspector. Said installation and approval shall be achieved no later than ten days after the building inspector authorized the filling of the pool.

- (f) Additional permits.
 - (1) Separate permit for certain structures. Unless included within the swimming pool permit, a separate building permit shall be required for any pump house, filter house, pool enclosure or any other structure erected in conjunction with a swimming pool. Such structures shall conform to all provisions of the building code. Such structures shall also conform to the setback requirements set forth in subsection (c) of this section.
 - (2) Permit required for changes. All changes, alterations or improvements made to swimming pools or accessory structures other than routine maintenance shall require a permit.

(Code 1993, § 9-14.01(15))

Sec. 113-383. - Service stations.

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

(Code 1993, § 9-14.01(16))

Sec. 113-384. - Drainage.

- (a) No land shall be developed or altered and no use shall be permitted that results in surface water runoff causing unreasonable flooding, erosion or deposit of minerals on adjacent properties or water bodies.

Such runoff shall be properly channeled into a storm drain, a natural watercourse or drainageway, a ponding area or other public facility.

- (b) The zoning administrator, upon inspection of any site which has created drainage problems or could create drainage problems with proposed new development, may require the owner of said site or contractor to complete a grading plan and apply for a grading permit.
- (c) The owner or contractor of any natural drainage improvement or alteration may be required by the zoning administrator to obtain recommendations from the state department of natural resources, the soil conservation agent, the affected watershed district, and/or the community engineer, as well as obtaining a local grading permit.
- (d) On any slope in excess of 13 percent where, in the opinion of the zoning administrator, the natural drainage pattern may be disturbed or altered, the zoning administrator may require the applicant to submit both a grading plan and a soil conservation plan prior to applying for a building permit.

(Code 1993, § 9-14.01(17))

Sec. 113-385. - Access drives; construction standards.

- (a) Limit of access drives. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.
- (b) Restrictions. Access drives may not be placed closer than five feet to any side or rear lot line. No access drive shall be closer than three feet to any single- or two-family residence, no closer than five feet to any multiple-family building or commercial building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.
- (c) Access permit. Access drives onto major roads or any alley shall require an access permit from the zoning administrator. This permit shall be acquired prior to the issuance of any building permits. The zoning administrator shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. The zoning administrator may refer the request for an access drive permit onto a road to the planning commission for their comments.
- (d) Design/construction standards. Driveway/accessway design and construction standards are as follows:
 - (1) For all driveways (resurfaced, reconfigured, reconstructed, relocated, new):
 - a. All driveways and off-street parking areas shall be permanently surfaced with either concrete or asphalt or impervious decorative pavement such as brick between the street and garage. (This does not require the resurfacing of existing driveways with parallel tracks into one contiguous surface.)
 - b. The minimum pavement thickness for asphalt driveways shall be two inches of bituminous surfacing on four inches of aggregate base. The minimum pavement thickness for concrete driveways shall be 3½ inches of concrete for R-1 and R-2 structures and six inches of concrete for multiple-family and commercial buildings. Two inches of aggregate base is required for all concrete driveways.
 - c. The minimum driveway slope as measured from the edge of the street to the right-of-way line, shall be one percent and the maximum driveway slope shall be ten percent.
 - d. In areas where sidewalks currently exist, all new or reconstructed driveways shall require six inches deep concrete sidewalk to be constructed to match the existing sidewalk width, when the existing sidewalk is affected by the permanent change.
 - (2) For new, reconfigured and relocated driveways:

- a. All new driveways connecting to existing concrete curb and gutter section shall be constructed with a five-foot radius. The existing concrete curb and gutter at the driveway opening shall be removed from the nearest joints to the driveway location. Saw cutting of the existing curb will not be allowed. Concrete gutter shall be placed through the driveway opening to properly drain the street. Expansion joint material shall be placed at the curb, sidewalk (if applicable) and right-of-way line as part of the driveway construction.
- b. The minimum driveway angle to the street, at the driveway opening, shall be 60 degrees.
- c. Setbacks:
 - 1. Driveways must be at least five feet from any rear or side lot line.
 - 2. Driveways must meet the corner side yard setback requirements for garages in section 113-240(e).
 - 3. Driveways shall not be closer than three feet to any single- or two-family residence or five feet to any multiple-family building or commercial building.
- d. Openings:
 - 1. Driveway openings shall be a minimum of five feet from the side yard property line.
 - 2. The minimum distance between driveway openings on the same lot shall be 25 feet where two openings are allowed in this chapter.
- (e) Emergency vehicle access. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the planning commission.
- (f) Proximity to corner. Access drives shall not be closer than 20 feet to a corner.
- (g) Permit to public roads. A driveway access permit to a public road shall be secured from the public agency with jurisdiction and maintenance responsibilities over the road, prior to the issuance of a building permit.

(Code 1993, § 9-14.01(18); Ord. No. 0-91-10, § 3, 6-19-1991)

Sec. 113-386. - Tennis courts.

- (a) In all districts, the following standards shall apply:
 - (1) A conditional use permit shall be required for all public, semi-public and commercial tennis courts.
 - (2) An application for a conditional use permit shall include a site plan showing:
 - a. The size, shape and pavement and subpavement materials;
 - b. The location of the court, the location of the house, garage, fencing, septic systems and any other structural improvements on the lot;
 - c. The locations of structures on all adjacent lots;
 - d. A grading plan showing all revised drainage patterns and finished elevations at the four corners of the court;
 - e. Landscaping and turf protection around the court;
 - f. Location of existing and proposed wiring and lighting facilities.
- (b) Tennis courts shall not be located closer than ten feet on any side or rear lot line. Tennis courts shall not be located within any required front yard.
- (c) Tennis courts shall not be located over underground utility lines of any type, nor shall any court be located within any private or public utility, walkway, drainage or other easement.

- (d) Solid tennis court practice walls shall not exceed ten feet in height. A building permit shall be required for said walls. Said walls shall be set back a minimum of 30 feet from any lot line.
- (e) Chainlink fencing surrounding the tennis court may extend up to ten feet in height above the tennis court surface elevation.

(Code 1993, § 9-14.01(19))

Sec. 113-387. - Vegetation cutting.

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

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

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

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

(Code 1993, § 9-14.01(20))

Sec. 113-388. - Building permits and visual standards.

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

(Code 1993, § 9-14.01(21))

Sec. 113-389. - Quasi-public structures.

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

(Code 1993, § 9-14.01(22))

Sec. 113-390. - Relocation of structures.

No building, accessory building, or other major structure shall be relocated to a site within or from without the city without a permit. In the case of buildings, advice may be requested from the planning commission as to appearance, use conformity, and other considerations. (See section 113-5(f).)

(Code 1993, § 9-14.01(23))

Sec. 113-391. - Home occupations.

- (a) Purpose. The purpose of this section is to define and regulate home occupations so as to permit only those home occupations that are compatible with other permitted uses and with the residential character of neighborhoods. An additional purpose of this section is to protect the health, safety, and general welfare of the surrounding neighborhood. No home occupation shall be permitted which does not conform to the definition, procedures and requirements which follow in this section.
- (b) Definition. A home occupation is a gainful occupation carried on in a dwelling unit, and not in any accessory building, within a residential district. The occupation shall clearly be secondary to the use of the dwelling for residential purposes, and shall not change its character.
- (c) License required. No person shall conduct a home occupation without first having obtained a license from the zoning administrator and the approval of the council. Application for licenses, accompanied by the appropriate fee, shall state facts that constitute the basis for compliance with the requirements set forth in subsection (d) of this section. Home occupations for disabled persons that do not meet these conditions may apply for a conditional use permit.
- (d) Requirements. The following requirements shall apply to home occupations within the city:
 - (1) No home occupations shall be permitted which may be detrimental to adjacent or nearby residential amenities.
 - (2) No home occupation shall be permitted which may increase the risk of fire or use of rescue squads at a greater level than would normally be expected in a residential district.
 - (3) Exterior storage shall not be permitted.
 - (4) Adequate off-street parking space for the home occupation must be available as approved by the zoning administrator; however, no home occupation shall be granted that creates the need for more than two parking spaces in addition to those already used by the occupants of the dwelling.
 - (5) No accessory uses in conjunction with a home occupation shall be permitted.
 - (6) No home occupation shall be permitted within an accessory building (as defined in this chapter).
 - (7) No signs other than those normally utilized in a residential district shall be permitted.
 - (8) No over-the-counter retail or wholesale sales shall be permitted.
 - (9) Entrance to the home occupation shall be gained from within the structure with no separate exterior entrance.
 - (10) No stock in trade shall be stored on the premises.
 - (11) Only occupants of the dwelling unit may engage in the home occupation.
 - (12) No more than 20 two-way additional vehicle trips per day shall be generated by a home occupation.
 - (13) No home occupation shall be permitted which requires the use of commercial vehicle more often than would normally be expected in a residential district. For the purpose of this section, commercial vehicle shall be defined as a nonpassenger vehicle (as passenger vehicle is defined in section 113-310(1)d.).

- (14) No home occupation shall produce light, glare, noise, odor or vibration that has an objectionable effect on a nearby property.
- (15) No equipment shall be used in a home occupation that creates electrical interference to surrounding property owners' radio or television signals.
- (16) No home occupation shall be conducted between the hours of 9:00 p.m. and 9:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 10:00 a.m. on weekends and holidays.
- (17) No home occupation shall cause an increase in sewer or water usage that exceeds the normal range for residents in the city.
- (18) Not more than 20 percent of the gross area of the dwelling unit shall be used to conduct a home occupation. The appearance of a residential dwelling shall in no way be changed or altered in a manner which would cause the premises to differ from its residential character.

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

Sec. 113-392. - Prohibited dwelling units.

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

(Code 1993, § 9-14.01(25))

Sec. 113-393. - Solar systems.

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

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

Secs. 113-394—113-399. - Reserved.

DIVISION 4. - SPECIAL EVENTS

Sec. 113-400. - Purpose and intent.

The purpose of this division is to promote the orderly, compatible and safe use of property for special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, peace and tranquility of residential neighborhoods and safety services.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-401. - Permit required.

No person on or after the effective date of this division shall conduct or allow to be conducted any special event as defined in this division without first obtaining a special event permit. No special event may be scheduled during the Minnesota State Fair or for one week prior and one week following the Minnesota State Fair.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-402. - Permit standards.

The following standards shall apply to all special events:

- (1) Maximum number of people. The permittee shall not sell tickets to nor permit attendance at the permit location of more than the maximum number of people stated in the special event permit.
- (2) Sound equipment. Sound producing equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the special event so as to be unreasonably loud or be a nuisance or disturbance to the peace and tranquility of the citizens of Falcon Heights.
- (3) Sanitary facilities. In accordance with Minnesota State Board of Health regulations and standards, adequate sanitary facilities must be provided which are sufficient to accommodate the projected number of person expected to attend the event.
- (4) Security. The permittee shall employ at his or her own expense such security personnel as are necessary and sufficient, including off-duty police officers, to provide for the adequate security and protection of the maximum number of persons in attendance at the special event and for the preservation of order and protection of property in and around the event site. No permit shall be issued unless the city's police chief is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the event.
- (5) Food service. If food service is available on the premises, it shall be offered only by a holder of a retail food handler's license issued by Ramsey County Health Department.
- (6) Fire protection. The permittee shall, at his or her own expense, take adequate steps to insure fire protection as determined by the city fire chief.
- (7) Duration of special event. Special events are allowed only on the days and hours specified on the permit. Special events must end by 9:00 p.m. and may not commence before 7:00 a.m. All structures, equipment, displays and refuse must be removed within 24 hours of the end time and date specified on the permit. Setting up for the event may commence not more than 24 hours before the time and date specified on the permit. No set up or removal activities shall occur between 10:00 p.m. and 7:00 a.m. An event may not exceed two consecutive calendar days and not more than one special event is allowed on a property at a time. There shall be no more than three special events per calendar year per property. However, each tenant in a multi-tenant building shall be permitted one special event per year. Multi-tenant buildings with less than five lease spaces shall be considered as a single property for purposes of this provision.
- (8) Cleanup plan. The special event applicant is responsible for cleanup. Any cleanup required by the city may be charged to the applicant. Any city service that requires overtime will be at the expense of the applicant.
- (9) Accessory use. The special event must be accessory to or promoting the established permitted or conditional use of the site.
- (10) Structures. Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted plan and provided that it is determined by the city administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site. Temporary structures must be in compliance with applicable statutory and ordinance requirements.
- (11) Parking. The submitted plan shall clearly demonstrate that adequate parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the city administrator, who shall consider the nature of the event and the applicable parking requirements of article VI, division 2 of this chapter. Consideration shall be given to the parking needs and requirements of other occupants in the case of multi-

tenant buildings. Parking on local streets is allowed provided that the petitioner arranges for traffic control by off-duty police officers, as approved in writing by the police chief, at the petitioner's expense. If off-street parking on private property not owned by the applicant is to be used for the event, written approval from that property's owner must be submitted with the permit application.

- (12) Signage. Signage related to the special event shall be in compliance with the temporary sign standards of article VII of this chapter and shall be allowed for the duration of the event. The city administrator may authorize special signage for purposes of traffic direction and control; the erection and removal of such signage shall be the responsibility of the applicant.
- (13) Display of permit. The approved permit shall be displayed on the premises for the duration of the event.
- (14) Waiver. The city administrator may grant a waiver from any of the requirements of this division in any particular case where the applicant can show that strict compliance with this division would cause exceptional and undue hardship by reason of the nature of the special event or by reason of the fact that the circumstances make the requirement of this division unnecessary. Such waiver must be granted without detriment to the public health, safety or welfare and without impairing the intent and purpose of these regulations.
- (15) Insurance. Before the issuance of a permit, the permittee shall obtain public liability insurance and property damage insurance with limits determined by the city administrator. Limits for bodily injury and death shall be not less than \$1,00,000.00 for one person and \$1,000,000.00 for each occurrence; limits for property damage shall be not less than \$200,000.00 for each occurrence; or a combination single limit policy of \$2,000,000.00 or more. The city shall be named as an additional insured on the policy on a primary and noncontributory basis. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit. Evidence of insurance shall include an endorsement to the effect that the insurance company will notify the city clerk in writing at least ten days before the expiration or cancellation of the insurance.
- (16) Miscellaneous. Prior to the issuance of a permit, the city administrator may impose any other conditions reasonably calculated to protect the health, safety and welfare of persons attendant or of the citizens of the City of Falcon Heights.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-403. - Application procedures.

A written application for a special event permit shall be filed on forms provided by the city with the city clerk not less than 30 days before the date proposed for holding the special event. The written application shall be signed by the person, persons, or parties conducting the event and shall be accompanied by the fee payable hereunder. Upon submission of an application for a special event permit, city staff will review the request and advise the applicant of the need for additional information, if any.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-404. - Fees.

The fee for a special event license shall be as established by the city council.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-405. - Granting a permit.

Permits may be issued by the city administrator if the administrator determines the requirements of this division have been met. If the city administrator determines the activity does not meet these criteria, such application shall be denied.

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-406. - Denial of permit.

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

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-407. - Transferability.

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

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-408. - Enforcement and penalties.

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

(Ord. No. 13-01, § 2, 4-10-2013)

Sec. 113-409. - Revocation of permit.

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

(Ord. No. 13-01, § 2, 4-10-2013)

Secs. 113-410—113-414. - Reserved.

ARTICLE VII. - SIGNS

DIVISION 1. - GENERALLY

Sec. 113-415. - Noncommercial speech.

The owner of any sign that is otherwise allowed by this article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this section is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial speech over any other noncommercial speech. This section prevails over any more specific provision to the contrary. All noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election subject to the applicable provisions of M.S. 211B.045.

(Ord. No. 10-04, § 1, 6-9-2010)

Sec. 113-416. - Permits.

- (a) Permit required. Except as otherwise provided in this section, no sign or structure shall be erected, constructed, altered, replaced with a dynamic display sign, rebuilt or relocated except as provided in this article and until a permit for the same has been issued by the zoning administrator upon application and to include such information as is required for a complete understanding of the proposed work.
- (b) Exceptions. No permit will be required for the following:
 - (1) A change of copy on any advertising sign.
 - (2) A nameplate (identification) sign not exceeding two square feet of display surface on residence property stating only the name, address and profession of an occupant.
 - (3) A ground sign advertising either the sale or rental of the premises upon which it is maintained when such sign does not exceed ten square feet of display surface.
 - (4) Street, warning and other official or nonadvertising signs erected by a governmental body or by others where required pursuant to a legal authority.
 - (5) Election signs except those to be displayed on new, permanent structures or supporting elements. The only exemptions permitted by this paragraph shall apply only construed as relieving the owner of the sign from responsibility for its erection and maintenance in a good and safe condition.
 - (6) Noncommercial signs not exceeding ten square feet.
- (c) Permit fee and issuance.
 - (1) An application for a permit shall be accompanied by a fee as per the approved permit fee schedule of the city.
 - (2) It shall be the duty of the zoning administrator, upon the filing of an application to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure or display. If it shall appear that the proposed structure is in compliance with the requirements of this chapter, the zoning administrator shall then issue the erection permit.
- (d) Expiration of permit. If the work authorized under an erection permit has not been completed within six months after the date of issuance, the permit shall become null and void.

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

Sec. 113-417. - Periodic inspection.

The zoning administrator shall inspect every three years or at such other times as deemed necessary each sign, except residential, regulated by this article, to ascertain whether the same is secure or insecure and whether it is in need of removal or repair. To meet the expenses of such inspection, the permittee thereof shall pay to the city a fee as established and required by the city council. No inspection fee other

than the original permit fee shall be charged during the calendar year in which the sign or other advertising structure is erected. The zoning administrator may maintain on file a photograph of any or all signs in place in the city; a new photograph may be taken at the time of each inspection.

(Code 1993, § 9-13.01(5))

Sec. 113-418. - Height abovegrade level.

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

(Code 1993, § 9-13.01(6))

Sec. 113-419. - General setback requirements.

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

(Code 1993, § 9-13.01(7))

Sec. 113-420. - Painting requirement.

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

(Code 1993, § 9-13.01(8))

Sec. 113-421. - Required marking on sign.

Every sign or other advertising structure, when erected, shall have painted in a conspicuous place thereon, in letters not less than one inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.

(Code 1993, § 9-13.01(9))

Sec. 113-422. - Removal of obsolete and nonconforming signs.

Any sign which does not conform to the regulations provided by this article shall be taken down and removed by the owner, agent or person having the beneficial use of the property, building or structure upon which the sign may be found within five years after the effective date of the ordinance from which this section is derived. After the expiration of the said five years and upon written notification from the zoning administrator, to the landowner and/or sign owner, said sign shall be removed within ten days and upon failure to comply with such notice within the time specified in such order, the zoning administrator is hereby authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner of the sign or the owner of the property or of the building or structure to which such sign is attached.

(Code 1993, § 9-13.01(10))

Sec. 113-423. - Unsafe and unlawful signs.

- (a) If the zoning administrator shall find that any sign or other advertising structure regulated by this article is unsafe or insecure, or is a menace to the public or no longer advertises a bona fide business conducted or products sold, or has been constructed or erected or is being maintained in violation of the provisions of this article, he or she shall give written notice to the permittee thereof. If an unsafe or unlawful sign has not been removed within 60 days following written notice to landowner and/or sign owner, said sign may be removed with approval by the city council at the direction of the zoning administrator with the costs of such removal assessed to the owner of the sign.
- (b) If the permittee fails to remove or alter the structure so as to comply with the standards set forth in this article within ten days after such notice, such sign or other advertising structure may be removed or altered to comply with this article by the zoning administrator at the expense of the permittee or owner of the property upon which it is located. The zoning administrator may cause any sign or other advertising structure which is in immediate peril to persons or property to be removed summarily and without notice.

(Code 1993, § 9-13.01(11))

Sec. 113-424. - Obstruction of fire escapes.

No sign shall be erected, constructed or maintained so as to obstruct any fire escape, or any window or door or opening used as a means of egress or for firefighting purposes, or so as to prevent free passage from one part of a roof to another part thereof. No sign shall be attached in any form, shape or manner to a fire escape nor be so placed as to interfere with an opening required for legal ventilation.

(Code 1993, § 9-13.01(12))

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

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

(Code 1993, § 9-13.01(13))

Sec. 113-426. - Nonconforming signs—Compliance.

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

- (1) No sign shall be enlarged or altered in a way which increases its nonconformity.

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

(Ord. No. 08-03, § 3, 8-27-2008)

Secs. 113-427—113-448. - Reserved.

DIVISION 2. - RESTRICTIONS BY ZONING DISTRICTS

Sec. 113-449. - Signs permitted in residential districts.

Signs are permitted in the R-1, R-2, R-3, R-4 and, R-5M districts only as follows:

- (1) For the purpose of selling, renting or leasing property, a sign not in excess of ten square feet in gross surface area may be placed within the front yard, not less than 15 feet from a property line.
- (2) Temporary poster signs for political advertising may be posted but must be removed by those responsible for their being posted within ten days following the election for which the sign was posted.
- (3) Signs containing noncommercial speech.
- (4) One nameplate sign for each dwelling unit that shall not exceed two square feet in area per surface, and no sign shall have more than two display surfaces.
- (5) No sign shall be located within three feet of the property line.
- (6) Churches, schools and other institutional users, allowed by virtue of pre-existing or conditional use, may have an illuminated sign not exceeding 50 square feet in gross surface area. Temporary signs advertising a special event may be posted after receiving a permit from the zoning administrator, and such sign shall not be greater than 70 square feet in gross surface area, not less than 30 feet from a property line and shall not be displayed longer than 30 days.
- (7) Address numbers four inches on the house and alley side of garage.
- (8) Signs other than those listed above require a conditional use permit.
- (9) In the R-5M district signs allowed in the B-2 district are allowed for B-2 uses.

(Code 1993, §§ 9-4.01(6), 9-5.01(6), 9-7.01(6), 9-13.02(1); Ord. No. 10-06, § 8, 9-8-2010)

Sec. 113-450. - Business districts.

- (a) Business district B-2.

- (1) Types of signs allowed. Business, dynamic display signs, nameplate, identification, illuminated, ground, pedestal, political, real estate sales, temporary, wall and courtesy bench signs.
 - (2) Number of each type of sign allowed per lot frontage. One real estate sales sign, two temporary signs, one nameplate sign, and one political sign. Courtesy bench signs are permitted on licensed courtesy benches.
 - (3) Size:
 - a. Except as provided herein, the total square footage of permanent sign area for each business shall not exceed one square foot of sign area for each lineal foot of unsigned building frontage, except where a location is a corner lot, the amount may be increased by one-half square foot of sign area per front foot of building.
 - b. No individual sign shall exceed 50 square feet in area.
 - c. Each real estate sales sign, temporary sign, and political sign shall not exceed 20 square feet in area.
 - d. Each nameplate sign shall not exceed 40 square feet in area.
 - (4) Height. The top of the display shall not exceed ten feet above the average grade for pedestal and ground signs, and not higher than the outside wall or parapet for wall signs.
 - (5) Setback. Any sign over six square feet shall be set back at least ten feet from any lot line. In no case shall any part of a sign be closer than two feet to a vertical line drawn at the property line. All signs over 20 square feet shall be set back at least 50 feet from any residential district.
 - (6) Corner lots. In the case of corner lots, the longer of the two walls may be used to compute all usable sign area.
 - (7) Alleys shall not be considered a public street.
 - (8) Signs on nonconforming uses shall be considered as if zoned B-1.
 - (9) The owner or lessee of any sign, or the owner of the land on which the sign is located shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and the street and also for a distance of six feet behind and at the ends of said sign.
- (b) Business districts B-1 and B-3.
- (1) Types of signs allowed. Business, nameplate, identification, illuminated, ground, pedestal, political, real estate sales, temporary, wall and courtesy bench signs. Dynamic display signs are permitted in B-3 districts only.
 - (2) Number of each type of sign allowed per lot frontage. One real estate sales sign, two temporary signs, one nameplate sign, one political sign for each candidate, and one business sign or one shopping center sign. If a shopping center sign is used, each business establishment located in the shopping center shall also be permitted one business or nameplate sign. Courtesy bench signs are permitted on licensed courtesy benches.
 - (3) Size:
 - a. Except as provided herein, the total square footage of permanent sign area for each business shall not exceed two square feet of sign area for each lineal foot of unsigned building frontage, except where a location is a corner lot, the amount may be increased by one square foot of sign area per front foot of building along a side lot line.
 - b. No individual sign shall exceed 150 square feet in area.
 - c. Each real estate sales sign, temporary sign, and political sign shall not exceed 20 square feet in area.
 - d. Each nameplate or business sign shall not exceed 75 square feet in area.

- (4) Height. The top of the display shall not exceed 35 feet in height above grade except that roof signs shall not be permitted.
- (5) Setback. Any sign over six square feet shall be set back at least ten feet from any lot line. In no case shall any part of a sign be closer than two feet to a vertical line drawn at the property line. All signs over 50 square feet shall be set back at least 50 feet from any residential or agricultural district.

(Code 1993, § 9-13.02(2), (3); Ord. No. 0-93-07, §§ 8, 9, 7-28-1993; Ord. No. 0-96-01, § 5, 2-28-1996; Ord. No. 05-01, §§ 3, 4, 1-12-2005; Ord. No. 08-03, §§ 4, 5, 8-27-2008)

Secs. 113-451—113-468. - Reserved.

DIVISION 3. - RESTRICTIONS ON SPECIFIC TYPES OF SIGNS

Sec. 113-469. - Signs as traffic hazards.

No sign may be erected that by reason of position, shape, flashing light, movement, color, or in any other manner constitutes a traffic hazard as determined by the zoning administrator. In particular, signs which may be confused with emergency or snow plow vehicle lights are prohibited.

(Code 1993, § 9-13.03(1))

Sec. 113-470. - Certain signs prohibited.

No sign will be permitted that provides refuge from police surveillance, tends to accumulate debris as a fire hazard, or in any other way is a hazard to the public health, safety, convenience or general welfare. Private signs are not permitted within streets or other public rights-of-way, except on courtesy benches as regulated herein.

(Code 1993, § 9-13.03(2); Ord. No. 05-01, § 5, 1-12-2005)

Sec. 113-471. - Illuminated sign restrictions.

- (a) Any sign illuminated and located within 50 feet of a residential district lot line shall be diffused or indirect so as not to reflect direct rays of light into adjacent residences. All illuminated signs in business and industrial districts in close proximity to residential districts shall be designed so as to illuminate the sign and not residential property to the extent practicable.
- (b) Illuminated signs lighted by any means as an integral part of the sign, by floodlights, or any other means which cast light away from the sign shall be governed as follows:
 - (1) Any combination of signs or light sources which cast light on a public street shall not exceed one footcandle meter reading as measured from the centerline of said street.
 - (2) Any combination of signs or lights which cast light on property zoned for residential use shall not exceed 0.4 footcandle meter reading as measured from any part of said residential area.
 - (3) In no instance shall exposed light bulbs be utilized to light signs, property, or merchandise for sale or rent. Said lights shall be hooded or controlled in some manner so as to direct light away from public streets or adjacent to nearby property.
- (c) No sign may be brighter than is necessary for clear and adequate visibility.

- (d) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
- (e) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

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

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

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

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

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

Sec. 113-473. - Flashing signs.

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

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

Sec. 113-474. - Temporary and election signs.

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

(Code 1993, § 9-13.03(6))

Sec. 113-475. - Service station signs.

Service stations may erect on pylon or pedestal a sign not to exceed 25 feet in height anywhere in setback area but no part of any such sign shall be closer to side lot lines than the required side yard setback nor within five feet of the rear lot line or ten feet of street right-of-way.

(Code 1993, § 9-13.03(7))

Sec. 113-476. - Real estate signs.

Real estate (for rent, sale, or lease) signs may be placed in any yard of a lot containing the affected structure or land involved, provided such signs are not closer than ten feet to any property line and do not exceed a total of six square feet per lot frontage in residential areas and 32 square feet on any other lot. However, real estate signs over six square feet may be constructed in any residential area providing that:

- (1) The sign area allowance for a combination of lots in aggregate shall not exceed 50 square feet;
- (2) The signs are located at least 130 feet from any home;
- (3) The signs are removed within one year unless an extension is given from the zoning administrator;
- (4) A use permit is granted by the zoning administrator. Real estate signs over 32 square feet per lot frontage and exceeding other sign area limits in business and industrial areas shall require a variance.

(Code 1993, § 9-13.03(8))

Sec. 113-477. - Private traffic signs.

Private traffic circulation signs in parking lots and pedestrian circulation signs in alleys or other hazardous situations may be permitted provided such individual signs do not exceed three square feet, the minimum number necessary for purposes intended is utilized, and such signs are utilized exclusively for purposes intended and permitted.

(Code 1993, § 9-13.03(9))

Sec. 113-478. - Vacant lots.

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

(Code 1993, § 9-13.03(10))

Sec. 113-479. - Rooftop displays and aerial searchlights.

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

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

Sec. 113-480. - Signs on windows and doors.

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

(Code 1993, § 9-13.03(12))

Sec. 113-481. - Ground signs.

- (a) No ground sign shall be erected, constructed, altered, rebuilt, or relocated to a height exceeding 20 feet above ground.
- (b) The bottom of the facing of every ground sign shall be at least 30 inches above the ground, which space may be filled with platform or decorative trim of light wood, metal construction, brick, planters or plantings, etc.

- (c) No private sign shall be erected, constructed, or maintained within the boundary of any street, avenue, highway, alley or public ground of the city, county or state.
- (d) Portable signs supported by frames or posts rigidly attached to bases shall be so proportioned that the weight and size of the bases are adequate to resist the wind pressure specified in the building code. Such signs shall not exceed five feet in height or 15 square feet in area.
- (e) The owner of a lot upon which there is a ground sign or the person occupying such lot or both are hereby required to keep such lot and such ground sign clean, sanitary, inoffensive and free and clear of all obnoxious substances and unsightly conditions.

(Code 1993, § 9-13.03(13))

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

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

(Code 1993, § 9-13.03(14))

Sec. 113-483. - Wall signs.

Wall signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached.

(Code 1993, § 9-13.03(15))

Sec. 113-484. - Signs painted on walls.

Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone, or other similar objects or structures in any district.

(Code 1993, § 9-13.03(16))

Sec. 113-485. - Projecting signs.

Signs shall in no case project from a building or structure more than one foot from the base of building. No projecting sign shall at the lowest point be less than eight feet above the sidewalk or the grade level. All projecting signs for which a permit is required shall be constructed entirely of fire-resistive materials approved by the zoning administrator for this purpose. All metal supports and braces for projecting signs shall be galvanized or of corrosive-resistant material or painted at least once annually.

(Code 1993, § 9-13.03(17))

Sec. 113-486. - Electric signs.

All signs and displays using electric power shall have a cutoff switch on the outside of the premises and on the outside of the sign. All electrical work shall conform to this article and be subject to city inspection.

(Code 1993, § 9-13.03(18))

Sec. 113-487. - Construction signs.

These signs are not to exceed 32 square feet in area and shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is substantially completed.

(Code 1993, § 9-13.03(19))

Sec. 113-488. - Roof signs.

Roof signs are prohibited in all districts.

(Code 1993, § 9-13.03(20))

Sec. 113-489. - Advertising signs.

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

(Code 1993, § 9-13.03(22))

Sec. 113-490. - Multifaced signs.

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

(Code 1993, § 9-13.03(23))

Sec. 113-491. - Large signs.

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

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

(Code 1993, § 9-13.03(24))

Sec. 113-492. - Dynamic display signs.

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

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

- (4) No dynamic display sign shall use more than one color of lighting. That is, it shall render images with one constant hue and brightness on an unlighted background.
- (5) The transition from one static display to another must be without any special effects.
- (6) The images and messages displayed must be complete in themselves without continuation in content to the next image or message or to any other sign.
- (7) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that the display is not complying with the standards of this section.
- (8) All dynamic displays shall meet the following brightness standards in addition to those in section 113-471(c), (d), and (e):
 - a. Sunrise to sunset: no greater than 2,000 nits,
 - b. Sunset to sunrise: no greater than 500 nits.

(Ord. No. 08-03, § 8, 8-27-2008)

Secs. 113-493—113-499. - Reserved.

ARTICLE VIII. - FLOODPLAIN REGULATIONS

FOOTNOTE(S):

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

Sec. 113-500. - Statutory authorization and purpose.

- (a) Statutory authorization. The legislature of the state has, in Minn. Stats. ch. 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.
- (b) Statement of purpose.
 - (1) The city wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 44 CFR Part 60.3(a)
 - (2) The city wishes to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-501. - Warning and disclaimer of liability.

This article does not imply that areas will be free from flooding or flood damages. This article shall not create liability on the part of the city or any officer or employee thereof for any flood damages which result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-502. - Permit requirements.

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

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-503. - Permit application.

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

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-504. - Duties of the zoning administrator.

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

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-505. - Review of permit application.

The zoning administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall be:

- (1) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) Constructed with materials and utility equipment resistant to flood damage;
- (3) Constructed by methods and practices that minimize flood damage; and
- (4) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-506. - Subdivisions.

The zoning administrator shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage within the flood prone area;
- (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure of flood hazard.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-507. - Water supply system.

The zoning administrator shall require within flood prone areas, new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-508. - Sanitary sewage and water disposal systems.

The zoning administrator shall require within flood prone areas:

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

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-509. - Annexations and extraterritorial jurisdiction.

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

(Ord. No. 09-02, § 2, 8-12-2009)

Sec. 113-510. - Greater restriction.

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

(Ord. No. 09-02, § 2, 8-12-2009)