

ROBBINSDALE ZONING CODE

TABLE OF CONTENTS

Section 505 Zoning: general provisions.

- 505.01. Title.
- 505.03. Purpose and intent.
- 505.05. Application and interpretation.
- 505.07. Uses.
- 505.09. Definitions.

Section 510 Zoning: districts, general provisions.

- 510.01. Districts.
- 510.03. Boundaries.
- 510.05. Uses not provided for.
- 510.07. Non-conforming buildings, structures and uses.
- 510.08. Curing non-permitted uses and structures; statement of policy
- 510.081 Use or structure not permitted in the district
- 510.09. Lots.
- 510.11. Accessory buildings, uses and equipment.
- 510.13. Yards.
- 510.15. General building requirements.
- 510.17. Off-street parking.
- 510.19. Off-street loading.
- 510.21. Land reclamation.
- 510.23. Building permits.
- 510.25. General performance standards.

Section 515 Zoning: residential districts (R-1, R-2, R-3, R-B, townhouse, cooperative and condominium development)

- 515.01. R-1, single family residential district.
- 515.03. R-2, single and two-family residential district.
- 515.05. R-3, medium density residential district.
- 515.07. R-B, residential-business district.
- 515.09. Townhouse, cooperative, condominium development.

Section 517 Zoning district regulations

- 517.01 P, Public facilities district
- 517.03 Lot requirements and setbacks
- 517.05 Building requirements
- 517.07 Parking requirements
- 517.09 Landscape requirements
- 517.11 Performance standards
- 517.13 Tower and telecommunications facilities requirements

Section 520 Zoning: commercial districts.

- 520.01. B-1, neighborhood commercial district.
- 520.03. B-2, limited commercial district.
- 520.05. B-3, highway commercial district.
- 520.07. B-4, community business district.
- 520.09. NG, neighborhood grocery district.

Section 521 Zoning: downtown district

- 521.01. DD-1, downtown district
- 521.03 DD-2 – Downtown transition and transit district

Section 525 Zoning: industrial districts.

- 525.01. B-W, business-warehouse district.

Section 530 Zoning: special districts and regulated uses.

- 530.01. Flood plain management district.
- 530.02. B4p pawnbrokers, secondhand goods dealer, consignment house dealers, auction house dealers and traders district regulations
- 530.03. Repealed.
- 530.04. Adult establishments.
- 530.05. Planned unit development.
- 530.07. Downtown architectural guidelines overlay district.

Section 535 Zoning: administration and enforcement.

- 535.01. Conditional use permits.
- 535.03. Rezoning and text amendments.
- 535.05. Variances and appeals.
- 535.07. Certificate of occupancy.
- 535.09. Enforcement and penalties.
- 535.11. Use permit.
- 535.13. Procedures for adopting and amending the comprehensive plan.
- 535.15. Fees.

Appendix A Zoning district boundaries

Section 505 - Zoning: general provisions

505.01. Title. Sections 505 through 535 are the zoning code of the City. In sections 505 through 535 the zoning code is referred to as "this code". The city code of ordinances is known as the "city code".

505.03. Purpose and intent. This code shall establish minimum requirements, adopted to protect the public health, safety, and general welfare of the people. This code shall divide the city into use districts and establish regulations in regard to the location, erection, construction, reconstruction, alteration, and use of structures and land. These regulations are established to protect the various use areas; to promote the orderly development and redevelopment of the use areas; to provide adequate light, air, convenience of access to property; to provide stability in residential neighborhoods; to limit congestion in the public right-of-ways; to 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 surrounding them; to provide for compatibility of different land uses; to conserve the value of land and buildings; to provide for the administration of this code; to provide for amendments to this code; to prescribe penalties for the violation of this code and to define the powers and duties of the board of zoning appeals and the planning commission in relation to this code.

505.05. Application and interpretation. Subdivision 1. In their interpretation and application, the provisions of this code shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

Subd. 2. Where the conditions imposed by any provision of this code are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

Subd. 3. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this code.

505.07. Uses. Subdivision 1. Except as provided herein, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this code.

Subd. 2. Any building, structure or use lawfully existing at the time of adoption of this code may be continued. Should the building, structure or use become non-conforming due to the adoption of this code, it may be continued in compliance with subsection 510.07.

505.09. Definitions. Subdivision 1. For purposes of this code, the terms defined in this subsection have the meanings given them.

Subd. 2. "Accessory building, structure or use" means a subordinate building, structure or use which is located on the same lot as the principal building or use and is necessary or incidental to the conduct of the principal building or use. Other subordinate buildings include, but are not limited to, dog house, kennel, gazebo, playhouse, etc. (Amended, Ord. No. 99-05)

Subd. 3. "Agriculture" means principal use of land for production of food, horticultural or ornamental crops to be harvested for use off site. (Added, Ord. No. 15-06)

Subd. 4. "Alley" means a public or private way less than 24 but not less than 14 feet in width affording secondary means of access to abutting property.

Subd. 5. "Art Studio" means a building or space within a building where two and three dimensional objects are made, displayed and sold that have form or beauty such as paintings or sculpture. (Added, Ord. No. 13-05)

Subd. 6. "Automobile wrecking or junk yard" means any place where two or more motor vehicles not in running condition or not licensed, or both, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, including any commercial salvaging and scavenging of any other goods, articles or merchandise.

Subd. 7. "Automobile repair - major" or "major automobile repair" means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, over-all painting or paint job, vehicle steam cleaning.

Subd. 8. "Automobile repair - minor" or "minor automobile repair" means minor repairs, incidental body and fender work, painting and upholstering replacement of parts and motor services to passenger automobiles and trucks not exceeding 3/4 ton capacity, but not including any operation specified under "automobile repair - major."

Subd. 9. "Balcony" means a horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

Subd.10. "Basement" means that level of a building where the vertical distance from average grade to the floor below is more than the vertical distance from average grade to the floor next above.

Subd. 11. "Boarding house" means a building other than a hotel where, for compensation and by arrangement for definite periods, meals or lodging, or both, are provided for persons, not members of the family, as defined herein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than 10 persons.

Subd. 12. "Boarding house or boarding home - foster children" means a family dwelling where children out of their parents' homes, age 16 or under or in the case of mental retardation age 21 or under, or both, are cared for 24 hours a day, for a period of 30 days or more. The number to be cared for in one foster child boardinghouse shall not exceed five including the foster family's own children.

Subd. 13. "Bufferyard" means an area of land, identified on a site plan or by a zoning ordinance, established to protect and screen one type of land use from another land use that is dissimilar. (Added, Ord. No. 93-01)

Subd. 14. "Buildable area" means the portion of a lot remaining after required yards have been provided.

Subd. 15. "Building" means any structure which is built for the support, shelter, or enclosure of persons, animals, or personal property. (Amended, Ord. No. 99-05)

Subd. 16. "Building height" means the vertical distance measured from the average finished ground grade to the top of the cornice of a flat roof, to the deck line of a mansard roof and to the average elevation of the highest peak and its highest principal eave on a pitched or hipped or gambrel roof. See also Grade - Finished Ground.

Subd. 17. "Business" means any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Subd. 18. "Channel" means a natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

Subd. 19. "City staff" means city official authorized by the city manager to perform a specific function.

Subd. 20. "Clinic". See medical clinic.

Subd. 21. "Club or lodge" means a non-profit association of persons, who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such is secondary and incidental to the operation of the dining room for the purpose of serving food and meals, and providing further than such servicing of alcoholic beverages is in compliance with the applicable federal, state, and municipal laws, ordinances, and regulations. Offices of such non-profit association or associations occupying such premises shall not exceed 20% of the total value of the building.

Subd. 22. "Cocktail Room" means a self-contained room for the on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller pursuant to Minnesota Statutes, Section 340A.22. (Added, Ord. No. 15-07)

Subd. 23. "Community center" means a building or portion thereof which is used for public health facilities; governmental offices or meeting rooms; publicly owned social service facilities; meeting rooms and facilities for civic and cultural organizations and groups; publicly sponsored recreational activities; or any similar use intended for the use and benefit of residents of the city.

Subd. 24. "Conditional use" means those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning use district, which for their respective conduct, exercise or performance in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications, or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the city and therefore may be permitted in such use district only by a conditional use permit as provided by this code.

Subd. 25. "Condominium" means a form of individual ownership within a multi-family building which entails joint responsibility for maintenance and repairs. In the condominium each apartment or townhouse is owned outright by its occupant.

Subd. 26. "Convenience food establishment" means an establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

Subd. 27. "Cooperative or cooperative housing" means a multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Subd. 28. "Counseling or training service" means a service operated by a non-profit organization which provides advice or assistance on matters including career guidance, chemical or alcohol abuse, and health concerns but not including in-patient, overnight, or custodial care facilities which provide living quarters for recipients of the service or staff. A counseling or training service shall not include medical examinations, dispensing of drugs or medication or other treatments normally conducted in a hospital or clinic. A counseling or training service shall not include employment agencies or offices for private attorneys, psychiatrists, psychologists and other private for-profit practitioners.

Subd. 29. "Covered porch" means a horizontal, flat structure higher than the adjoining area having a roof which may be screened and may have an opaque area up to 18 inches from floor level. (Added, Ord. No. 03-33)

Subd. 30. "Curb level" means the establishment elevation of the curb in front of the building measured at the center of such front. Where no curb level has been established, the city shall establish such curb level or its equivalent for the purpose of this code.

Subd. 31. "Day care" means a service provided to the public in which foster care, and supervision and training or combinations thereof, for children of school or preschool age is provided during part of a day (less than 24 hours) with no overnight accommodations or facilities and children are delivered and removed daily.

Subd. 32. "Deck or open porch" means a horizontal flat surface higher than the adjoining area not having any roof, walls or lattice but may have a railing no higher than 42 inches.

Subd. 33. "Department store" means a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods or services are furnished.

Subd. 34. "District" means a section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

Subd. 35. "Dog or cat kennel" means any place where four or more dogs or cats over six months of age are boarded, or bred or offered for sale, or a combination thereof.

Subd. 36. "Double bungalow" means a two-family dwelling with two units side by side.

Subd. 37. "Drive-in establishment" means an establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

Subd. 38. "Duplex" means a two-family dwelling with one unit above the other.

Subd. 39. "Dwelling" means a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, motels and boarding houses.

Subd. 40. "Dwelling, single-family" or "single-family dwelling" means a detached dwelling designed exclusively for occupancy by one family.

Subd. 41. "Dwelling, two-family" or "two-family dwelling" means a dwelling designed exclusively for occupancy by two families living independently of each other.

Subd. 42. "Dwelling, multiple" or "multiple dwelling" means a dwelling designed exclusively for occupancy by three or more families living independently of each other.

Subd. 43. "Dwelling unit" means one room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Subd. 44. "Dwelling, mobile home" or "mobile home dwelling" means a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Subd. 45. "Senior housing" means a multiple dwelling building with open occupancy limited to persons at least 55 years of age. No more than 10% of the occupants may be persons under 55 years of age. Such occupants under 55 years of age must be a spouse, other blood relative, or caregiver of an occupant who is at least 55 years of age, or have some function related to the building itself, such as caretaker or superintendent. To continue to qualify for senior housing classification the owner or the agency shall annually file with the city a certified copy of a monthly resume of occupants of such a multiple dwelling, listing the number of tenants by age and clearly identifying and setting forth the relationship of all occupants under 55 years of age or under to qualified tenants, or to the building. The succeeding certificates of occupancy shall be granted based upon the requirements of section 535.07 and the resumes of applicants selected to occupy the building. It shall be publicly displayed on the building premises and shall set forth the zoning requirements of age limitations and relationship, lot size, number of units, and parking requirements. A deed restriction, irrevocable during the life of the building unless additional property is acquired to make the building comply with the zoning requirements for ordinary multiple dwellings shall be recorded against the property on which the senior housing structure is to be located. A certified copy of said deed restriction showing the recorded stamp of the county recorder or the registrar of titles shall be filed with the application for conditional use permit. The city council may waive the deed restriction referred to herein, in the event the fee and equitable owners of the premises or structure executed an agreement appurtenant to the land and running with the land indicating that in the event more than 10% of the housing units are occupied by persons under 55 years of age, the building occupancy by persons under 55 years of age shall be reduced to such a level commensurate with the parking requirements for a senior housing structure or shall provide additional parking areas sufficient to meet the requirements of this code, this being 1/2 space for a senior unit and 1-1/2 spaces for a housing unit occupied by persons under 55 years of age. Said agreement also to provide a penalty payment of \$100 per day as to each parking space shortage or violation. (Amended, Ord. No. 08-02)

Subd. 46. "Equal degree of encroachment" means a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Subd. 47. "Essential services" means the erection, construction, alteration of maintenance or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems by public utilities, municipal, or other governmental agencies, but not including buildings.

Subd. 48. "Family" means one or more person each related to the other by blood, marriage, or adoption, or a group of not more than four persons not all so related maintaining a common household and using common cooking and kitchen facilities.

Subd. 49. "Farmers market" means a specified land area managed by a single operator who leases space/stalls for the outdoor sales of (1) fresh fruit and produce food products, (2) meat and fish items, (3) plants and flowers, and (4) bakery goods, dairy products, delicatessen and grocery items. (Added, Ord. No. 00-04)

Subd. 50. "Flood" means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Subd. 51. "Flood frequency" means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Subd. 52. "Flood fringe" means that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for the city.

Subd. 53. "Flood plain" means the beds proper and areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Subd. 54. "Flood profile" means a graph or longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

Subd. 55. "Flood proofing" means a combination of structural provisions changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Subd. 56. "Floodway" means the bed of a wetland or lake and the channel of the watercourse and those portions of adjoining flood plains which are reasonably required to carry or store the regional flood discharge.

Subd. 57. "Floor area - gross" or "gross floor area" means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the interior faces of the exterior walls. Basement areas devoted to storage, and space devoted to off-street parking shall be excluded.

Subd. 58. "Floor area - net" or "net floor area" means the sum of the total gross floor area less common, multi-use areas used solely for non-public purposes including but not limited to dead storage; mechanical rooms or closets, or both; window show cases; toilets or restrooms; atriums; elevators; elevator shafts and ducts.

Subd. 59. "Food Truck" means a vendor selling ice cream, popcorn, candy, soft drinks or food items from a self-propelled vehicle or trailer directly to consumers. (Added, Ord. No. 15-09)

Subd. 60. "Garage - private" or "private garage" means an accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. Such garage shall not be used for the storage of more than one commercial vehicle owned by the resident upon the premises. The load capacity of such commercial vehicles shall not exceed nine thousand pounds gross weight. (Amended, Ord. No. 99-05)

Subd. 61. "Garage - public" or "public garage" means a building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Subd. 62. "Garage - repair" or "repair garage" means a building or space for the repair or maintenance of motor vehicles but not including factory assembly of such vehicles, automobile wrecking, or junk yards.

Subd. 63. "Grade - finished ground" means the finished average ground elevation along the perimeter of the building.

Subd. 64. "Greenhouse" means a structure consisting primarily of glass, glass-like or translucent material devoted to the protection or cultivation of food, horticultural or ornamental crops. (Added, Ord. No. 15-06)

Subd. 65. "Guest room" means a room occupied by one or more guests for compensation and in which no provision is made for cooking but does not include rooms in a dormitory for sleeping purposes primarily.

Subd. 66. "Handicap housing" means a multiple dwelling which is entirely accessible to physically handicapped persons, with open occupancy limited to persons who have a physical, sensory, or mental impairment which substantially limits one or more major life activities. No more than 10 percent of the occupants may be persons without an impairment as defined above. Such non-impaired occupants must be a spouse, other blood relative, or caregiver of an impaired occupant, or have some function related to the building itself, such as caretaker or superintendent. To continue to qualify for handicap housing classification the owner or agency shall annually file with the city a certified copy of a monthly resume of occupants of such a multiple dwelling, listing the number of tenants by type of disability and clearly identifying and setting forth the relationship of all non-disabled occupants to qualified tenants, or to the building. The succeeding certificates of zoning compliance shall be granted based upon the requirements of subsection 535.07 (certificate of zoning compliance) and the resumes of applicants selected to occupy the building. It shall be publicly displayed on the building premises and shall set forth the zoning requirements of disability limitations and relationships, lot size, and number of units. A deed restriction irrevocable during the life of the building unless additional property is acquired to make the building comply with the zoning requirements for ordinary multiple dwellings, shall be recorded against the property on which the handicap housing structure is to be located. A certified copy of said deed restriction showing the recorded stamp of the registrar of deeds or the registrar of titles shall be filed with the application for conditional use permit. Nothing in this definition shall prevent a state-licensed residential facility serving 7 through 16 persons from being considered a multiple dwelling in any zoning district where handicap housing is not a permitted or conditional use.

Subd. 67. "Home occupation" means any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling when carried on within the dwelling unit. (Amended, Ord. No. 16-06)

Subd. 68. "Hospital" means an institution open to the public in which sick or injured persons are given medical or surgical care, or care of contagious or incurable diseases. This care is conducted on a 24 hour basis and is designed for overnight occupancy of the patient.

Subd. 69. "Hospitality house" means a building designed for occupancy by family members of patients receiving care at a Level One Trauma Center in guest rooms that may or may not have full housekeeping facilities. (Added, Ord. No. 07-15)

Subd. 70. "Hotel" means a building designed for occupancy as the temporary abiding place of individuals who are lodged with or without meals, in which no provisions are made for cooking in any individual room or suite, and in which there are six or more guest rooms.

Subd. 71. "Junkyard" means an open area where waste, used or second-hand materials are bought, sold, exchanged, stored, bailed, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junkyard includes an automobile wrecking yard but does not include uses established entirely within enclosed buildings.

Subd. 72. "Kennel". See dog or cat kennel.

Subd. 73. "Land reclamation" means the reclaiming of land by depositing 400 cubic yards or more of material so as to elevate the grade. Land reclamation shall not be interpreted as depositing of fill from a building excavation on the same property.

Subd. 74. "Lot" means for purposes of this code, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use and coverage and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street and may consist of:

- (a) a single lot of record or a portion of a lot of record;
- (b) a combination of complete lots of record or portions of lots of record or both;
- (c) a parcel of land described by metes and bounds provided that in no case of subdivision shall any residential lot or parcel be created which does not meet the requirements of this code;
or
- (d) a parcel of land approved by the city subsequent to the date of this code and which is occupied or intended for occupancy by one principal building or principal use.

Subd. 75. "Lot area" means the area of a horizontal plane within the lot lines.

Subd. 76. "Lot, corner" or "corner lot" means a lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less. For the purpose of this definition, a cul-de-sac on a street shall not be construed as a deflection in alignment so as to create a corner lot.

Subd. 77. "Lot depth" means the mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

Subd. 78. "Lot frontage" means that boundary of a lot abutting a street right-of-way. If a lot is a corner lot, the front shall be the shorter line that abuts the street right-of-way.

Subd. 79. "Lot line" means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into abutting street or alley, the lot line shall be deemed to be the street or alley line.

Subd. 80. "Lot width" means the mean horizontal distance between the side lot lines measured at right angles to the lot depth at a point equal to the minimum depth required for a front yard.

Subd. 81. "Microdistillery" means a distillery as defined by Minnesota Statutes, Section 340A.101 operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year. (Added, Ord. No. 15-07)

Subd. 82. "Medical clinic" means a structure intended for providing medical examinations and service available to the public. This service is provided without overnight care available.

Subd. 83. "Motel or tourist court" means a building or group of detached, semidetached, or attached buildings containing guest rooms or dwellings, each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used, or intended to be used primarily for the accommodation of transient guests traveling by automobile.

Subd. 84. "Motor fuel station" means a place where gasoline is stored only in underground tanks; kerosene, or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises; and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding. When the dispensing, sale, or offering for sale of motor fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage for purposes of this code.

Subd. 85. "Name plate" means a sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

Subd. 86. "Non-conforming building, structure, or use" means any building, structure or land lawfully occupied by a use or lawfully established at the time of the passage of this code or amendments thereto which does not conform with the requirements of this code.

Subd. 87. "Nonproduction brewery" means a small brewery that sells at least 75% of its malt liquor on-site at its taproom. (Added, Ord. No. 14-21)

Subd. 88. "Non-profit organization" means an organization exempt from taxation under section 501(a) and described in sections 501(c)(3), 501(c)(4), or 501(c)(7) of the Internal Revenue Code of 1986, as amended.

Subd. 89. "Nursing home or rest home" means a building having accommodations where care is provided for two or more invalid, infirm, aged, convalescent, or physically disabled persons that are not of the immediate family, but not including hospitals, clinics, sanitariums, or similar institutions.

Subd. 90. "Obstruction, flood plain" or "flood plain obstruction", means a dam, wall, wharf, embankment, levee, dike, pike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting, into any channel, watercourse, regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Subd. 91. "Off-set duplication" means the reproduction of printed materials by photomechanical processes, limited to a maximum print size of 11 inches by 17 inches, and not involving any industrial type processes. Off-set duplication shall be deemed to include such activities as punching, collating, cutting, etc., when engaged in as accessory activities to the principal activity of off-set duplication.

Subd. 92. "Off-street loading space" means a space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

Subd. 93. "Open porch or deck". See deck.

Subd. 94. "Open sales lot" means any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks or both, motor scooters, motorcycles, boats, trailers, aircraft, and monuments and for the storing of same prior to sale.

Subd. 95. "Out-patient care" means medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

Subd. 96. "Parking ramp" means a structure designed and used for the storage of motor vehicles at, below or above grade or a combination thereof.

Subd. 97. "Patio" means a horizontal flat surface not higher than the adjoining area and not having any roof or walls.

Subd. 98. "Parking space" means an area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard or compact automobile which has adequate access to a public street or alley and permitting satisfactory ingress or egress of any automobile.

Subd. 99. "Parking space, compact" or "compact parking space" means a parking space not less than 7-1/2 feet wide and 16 feet in length. Compact parking spaces must be provided at a rate of 25% of the total required off-street parking.

Subd. 100. "Permitted use" means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards, if any, of such districts.

Subd. 101. "Principal use" means the main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

Subd. 102. "Reach" means hydraulic engineering term used to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Subd. 103. "Recreational vehicle" or "RV" means a vehicle designed for recreational use, including but not limited to the following: campers, camper trailers, watercraft, snowmobiles, and all-terrain vehicles. A trailer used to transport recreational vehicles shall itself be considered a recreational vehicle. A slip-in camper shall be considered a recreational vehicle regardless of whether it is mounted on a truck or is free standing. In order for a motor vehicle or trailer to be considered a camper, at least four of the following life support systems must be present, two of which must be (a), (b) or (c):

- (a) cooking with liquid propane gas supply.
- (b) potable water supply including sink and faucet.
- (c) separate 110-125 volt electrical power supply.
- (d) heating or air conditioning separate from vehicle engine.
- (e) refrigerator, electric or propane
- (f) toilet, self-contained or connected to a plumbing system.

Subd. 104. "Regional flood" means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average of frequency in the magnitude of the 100 year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance study.

Subd. 105. "Regulatory flood protection elevation" or "RFPE" means an elevation not lower than one foot above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a flood way.

Subd. 106. "Restaurant" means an establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

Subd. 107. "Rooming house" means a building other than a hotel where, for compensation for definite periods, lodging is provided for persons not of the family as defined herein, but not including a building providing this service for more than ten persons.

Subd. 108. "Satellite antenna" means an apparatus, usually dish shaped, used for receiving electromagnetic waves from satellites orbiting the earth.

Subd. 109. "Set-back" means the minimum horizontal distance between a building and street or lot line.

Subd. 110. "Sign" means any material no matter how arranged, which has outdoor advertising as its principal, intended purpose. A sign is a structure for the purpose of this code.

Subd. 111. "Small brewery" means a facility that manufactures and distributes malt liquor in a total quantity not to exceed 3,500 barrels a year in compliance with Minnesota Statute Section 340A.301, subd. 6d. A small brewery may have space dedicated as a taproom to distribute on-sale and off-sale malt liquor in compliance with Minnesota Statutes Section 340A.301, subd. 6b and 6d. (Added, Ord. No. 14-21)

Subd. 112. "State licensed nonresidential facility" means a facility operating a nonresidential program within the meaning of Minnesota Statutes, section 245A.02, subdivision 10, as amended.

Subd. 113. "State licensed residential facility" means a facility operating a residential program within the meaning of Minnesota Statutes, section 245A.01, subdivision 14, as amended.

Subd. 114. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the ceiling or roof next above such floor. A basement shall not be counted as a story.

Subd. 115. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, underground, or attached to something having a permanent location on the ground or underground. (Amended, Ord. No. 99-05)

Subd. 116. "Swimming pool" means any permanently constructed basin for holding water, designed for human use, with a minimum water depth of 24 inches. Swimming pools do not include treatment pools, therapeutic pools, whirlpools, spa pools, wading pools, temporary or seasonal above-ground swimming pools; or landscape ponds, rain gardens, or storm water facilities not intended for human use. (Added, Ord. No. 07-19)

Subd. 117. "Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50% of the market value of the structure (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. 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. The term does not include either (i) 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 (ii) any alteration of a structure listed on the national register of historic places or state inventory of historic places.

Subd. 118. "Taproom" means a facility dispensing malt liquor in compliance with city code section 1200 and state law. (Amended, Ord. No. 14-21)

Subd. 119. "Townhouse" means single family attached unit in structures housing three or more dwelling units, contiguous to each other only by the sharing of one common bearing wall, such structures to be of the town or row house type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight dwelling units and each dwelling unit shall have separate and individual front and rear entrance.

Subd. 120. (Deleted, Ord. No. 11-14)

Subd. 121. "Unenclosed porch" means a deck or open porch with a roof but no walls or lattice.

Subd. 122. "Use" means the purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this code.

Subd. 123. "Usable open space" means a required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

Subd. 124. "Variance" means the varying of specific literal provisions of this code as provided for in Section 535.05. (Amended, Ord. No. 11-14)

Subd. 125. "Vestibule" means a passage hall or room between the outer door and the interior of a building.

Subd. 126. "Yard" means an open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Subd. 127. "Yard, front" or "front yard" means yard extending along the full width of the front lot line between side lot lines and from the abutting front street right-of-way line to the front building line in depth.

Subd. 128. "Yard, rear" or "rear yard" means the portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot. (Amended, Ord. No. 99-05)

Subd. 129. "Yard, side" or "side yard" means the yard extending along the side lot line between the front and rear yards.

(Amended, Ord. No. 08-02; Amended Ord. No. 15-07)

Section 510 - Zoning: districts, general provisions

510.01. Districts. Subdivision 1. For the purpose of this code, the city is hereby divided into the zoning districts and groups of zoning districts listed in this subsection.

Subd. 2. Residential districts:

- (a) "R-1" single family residential district.
- (b) "R-2" single and two family residential district.
- (c) "R-3" medium density residential district.
- (d) "R-4" residential-business district.

Subd. 3. Business districts:

- (a) "B-1" neighborhood business district.
- (b) "B-2" limited community business district.
- (c) "B-3" highway commercial district.
- (d) "B-4" community business district.

Subd. 4. Industrial districts:

- (a) "B-W" business-warehousing district.

Subd. 5. Special districts:

- (a) "FP" flood plain district.
- (b) "NG" neighborhood grocery.
- (c) "PUD" planned unit development.
- (d) "P" public facilities district (Amended, Ord. No. 97-06)

510.03. Boundaries. Subdivision 1. Application. The boundary lines of the districts listed in this section are hereby established as shown on that certain map entitled "Zoning District Map of Robbinsdale, Minnesota", which map is properly approved and filed with the city clerk and as described in Appendix A1 of this code. The zoning district map and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and is hereby made a part of this code by reference and incorporated herein as fully as if set forth herein at length.

Subd. 2. Boundaries. Zoning district boundary lines as indicated in Appendix A1 of this code follow lot lines, the projected center lines of streets or alleys, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this code. If district boundary lines do not follow any of the above described lines, the district boundary lines are established as indicated in Appendix A1. Where a district boundary line divides a lot of record which was in single ownership at the time of enactment of this code and places a portion of such lot of record in two or more zoning districts, any portion of such lot within 50 feet on either side of such a dividing district boundary line may be used for any use of either zoning district provided, however, if any portion of such lot shall extend beyond the 50 foot limitation, the district line as shown shall prevail.

Subd. 3. Appeal. Appeals from the city staff's determination and questions of doubt concerning the exact location of a zoning district boundary shall be heard by the planning commission who will then forward a recommendation to the city council for final decision.

Subd. 4. Vacation. When any street, alley or other public right-of-way is vacated by official action of the city, the zoning district abutting the center line of said alley or other public right-of-way shall not be affected by such proceeding.

510.05. Uses not provided for. Subdivision 1. Interpretation. Whenever in any zoning district a use is neither specifically permitted nor denied, it shall be the duty of the city planner to make an interpretation of the appropriate zoning district for the use in question. The interpretation of the city planner shall be based upon the similarity of the use to other uses already specifically identified by this code and shall include but not be limited to consideration of the operational characteristics of the use, the intensity of the use, the general compatibility of the use with other uses identified by this code, and consistency of the use with the stated purpose of the districts established by this code.

Subd. 2. Planning commission. Upon an interpretation having been made by the city planner, the planning commission shall be notified in writing of the interpretation for their concurrence or dissent. If within a period of ten days after such notification any member of the commission informs the city planner of a disagreement with the interpretation, the commission shall meet as a whole, according to its rules of procedure, to either approve or disapprove the interpretation. The commission may exercise the discretion to make any determination by following the procedures contained in section 535.03 of this code for an amendment. If within the ten day period no objection is raised on the part of the planning commission, the interpretation of the city planner shall stand as the determination of the appropriate zoning district for the use under consideration.

Subd. 3. Amendments. If an interpretation is made that a use under consideration is most similar to other uses which are identified by this code as conditional uses, then determination of the appropriate zoning district for said use shall only be made consistent with the procedures contained in subsection 535.03 of this code for an amendment. Such amendments shall specify any conditions or standards deemed generally necessary to reduce adverse affects of the use and to assure its compatibility with other permitted and conditional uses contained within the district for which the amendment is proposed.

Subd. 4. Appeals. The provisions of subsection 535.05 of this code, relating to appeals, may be invoked where it is alleged that a determination made pursuant to this section is in error.

510.07. Non-conforming buildings, structures and uses. Subdivision 1. Purpose. It is the purpose of this subsection to provide for the regulation of non-conforming buildings, structures and uses and to specify these requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be operated and maintained. This code establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this subsection that all non-conforming uses shall be eventually brought into conformity.

Subd. 2. Existing uses. Any structure or use lawfully existing upon the effective date of this code shall not be enlarged but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified, or subsequently amended. (Amended, Ord. No. 08-04)

Subd. 3. Unsafe conditions. Nothing in this code shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the building inspector providing the necessary repairs shall not constitute more than 50% of fair market value of such structure. Said value shall be determined by the city assessor or a professionally certified or recognized appraiser retained by the owner and approved by the city council. (Amended, Ord. No. 08-04)

Subd. 4. Moving. No non-conforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time of this code unless such movement shall bring the non-conformance into compliance with the requirements of this code. (Amended, Ord. No. 08-04)

Subd. 6. Changes in use.

- (a) When any unlawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be physically changed to any non-conforming use.
- (b) A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been so changed it shall not thereafter be so altered to increase the non-conformity.

Subd. 7. Damage or destruction of non-conforming building, structure or use. Any non-conforming building, structure or use including the lawful use or occupation of land on premises existing at the time of the adoption of an additional control of this code, may be continued, including through repair, replacement, restoration, maintenance or improvement, but not including expansion, unless the non-conforming use or occupation of land or premises is destroyed by fire or other peril to the extent of greater than 50% 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. The city may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare and safety. (Amended, Ord. No. 08-04)

Subd. 8. Discontinued use. Whenever a lawful non-conforming use of a structure or land is discontinued and then remains discontinued for a period of 12 months, any future use of said structure or land shall be in conformity with the provisions of this code. (Amended, Ord. No. 08-04)

Subd. 9. Lawful non-conforming accessory structure. A lawful non-conforming accessory structure in an R-1 district may be expanded to increase the usability provided that the entire expansion meets the current zoning regulations and the structure is accessory to a single family dwelling. (Amended, Ord. No. 08-04)

Subd. 10. Buildings under construction. Any proposed structure which will, under this Code, become non-conforming but for which a building permit has been lawfully granted, not more than six months prior to the effective date of this code, may be completed in accordance with the approved plans, provided construction is started within six months of the effective date of this code, and continues to completion within two years. Such structure and use shall thereafter be a legally non-conforming structure and use. (Amended, Ord. No. 08-04)

Subd. 11. Maintenance. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use. (Amended, Ord. No. 08-04)

Subd. 12. Alterations. Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or the non-conformity of the structure. (Amended, Ord. No. 08-04)

Subd. 13. Screening. All non-residential, non-conforming buildings, structures and uses shall be screened on the side and rear yards from abutting and surrounding residential uses in compliance with subsection 510.25, subdivision 2 of this code. (Amended, Ord. No. 08-04)

Subd. 14. Nonrental units. Lawful non-conforming, non-income producing, residential units in R-1 and R-2 districts may be expanded to improve their livability, provided that the entire expansion meets the current zoning regulations. If, however, the expansion extends the non-conformity, without going any closer to the property line, such expansion may be permitted as a conditional use. (Amended, Ord. No. 08-04)

Subd. 15. Decks. Lawful non-conforming residential units in R-1 and R-2 districts may be expanded by adding a deck provided that the deck meets the current zoning regulations and a certificate of survey is provided to the city. (Amended, Ord. No. 08-04)

510.08. (Added, Ord. No. 99-11) Curing non-permitted uses and structures; statement of policy. The city council has become aware that there exists a number of instances of uses and structures which, for a variety of reasons, are not permitted within the residential district in which they are located. The council is, however, mindful that many such uses and structures have existed for long periods of time in harmony with surrounding permitted uses. The council believes that with respect to many such uses and structures, it is in the best interest of the city and of the owners of the property on which such uses and structures are located, that they be allowed to continue. The council also believes that, in many instances, requiring the owner of the property to pursue other procedures contained in this code could result in unnecessary hardship. Therefore, the procedures contained in section 510.081 of this code are intended to provide an expeditious and reasonable method whereby certain non-permitted uses and structures may be made lawful and permitted.

510.081. (Added, Ord. No. 99-11) Use or structure not permitted in the district. Subdivision 1. Procedure. The owner of property which contains a use or structure which is not permitted in the district in which it is located may make application to the Community Development Department (“department”) for a nonconforming use permit (“NUP”).

- (a) The request for a nonconforming use (“NUP”) permit, as provided within this subsection, shall be filed with the city on an official application form a minimum of four weeks before the planning commission meeting at which formal action is requested. Such application shall be charged a fee as established in subsection 535.15. This fee shall not be refunded. Such application shall also be accompanied by three copies of detailed written and graphic materials fully explaining the existing use. A certificate of survey showing all structures, significant features, and any other information determined by the city shall be submitted. The application, along with all related information, shall be referred to the city planning commission for consideration and a recommendation to the city council.
- (b) The applicant or a representative thereof shall appear before the planning commission in order to answer questions concerning the proposed “NUP”.
- (c) The “NUP” application shall be referred to the city staff for a report and recommendation to be presented to the commission. The city staff’s report and recommendations shall be given to the city planning commission at least five days prior to the meeting at which said report and recommendations are to be presented. The report and recommendations of the city staff are to be entered in and made part of the permanent record of the planning commission meeting.
- (d) The planning commission shall make findings of fact regarding any adverse effects of the proposed “NUP” and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon, but not limited to, the following factors:
 - (1) the use or structure has existed in substantially its present form for at least 15 years;
 - (2) during its existence no adverse neighborhood impacts have been reported to the city;
 - (3) the use or structure was established either by a prior owner, or by the current owner upon a good faith belief that the use or structure was lawful when established; and
 - (4) the structure either conforms to the current requirements of the building code, or the requirements of the building code as of the effective date of the NUP; or the city building official and applicant have agreed upon a compliance schedule which will bring the structure into compliance with the applicable building codes according to the terms of the schedule.

- (e) The planning commission shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant, concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this code.
- (f) Notice of time, place and purpose of the hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. Individual notices shall be mailed not less than ten days before the hearing to all owners of property according to the assessment records, within 350 feet of the parcel included in the request.
- (g) Failure of a property owner to receive said notice shall not invalidate any proceedings set forth within this code provided a bona fide attempt has been made to comply with this subsection.
- (h) The planning commission shall recommend such conditions relating to the granting of said "NUP" as they deem necessary to carry out the intent and purpose of the code or recommend that the request be denied. The planning commission's recommendation and the city staff's report and recommendation shall be forwarded to the city council.
- (i) The city council shall not grant a "NUP" until they have received a report and recommendation from the planning commission and the city staff. The planning commission shall reach a decision not later than the second regular meeting following the first regular meeting at which the request for a "NUP" is considered by the commission.
- (j) Upon receiving the report and recommendation of the planning commission and the city staff, the "NUP" request shall be placed on the agenda for the next regular city council meeting, but no sooner than 20 days. Such reports and recommendations shall be entered in and made part of the permanent written record of the city council meeting.
- (k) Upon receiving the report and recommendation of the planning commission and city staff, the city council shall have the option to set and hold a public hearing if deemed necessary and may impose any additional conditions it considers necessary to protect the public health, safety, and welfare.
- (l) Approval of a "NUP" shall require passage by 4/5 vote of the full city council as set forth by city charter.
- (m) The NUP shall be deemed effective on the date of issuance unless the council determines that, for good cause shown by the applicant, the NUP should be effective as of an earlier date.

- (n) Upon issuance of a “NUP”, the use or structure to which the permit relates shall be deemed a lawful nonconforming use or structure and shall be subject to all of the provisions of this code regulating such uses or structures.
- (o) The city clerk shall notify the “NUP” applicant of the council’s decision in writing and place a copy of the decision in the central property file.

Subd. 2. Performance bond.

- (a) Except in the case of single family detached residential property, upon approval of a “NUP” the city shall be provided with a performance bond prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said bond shall guarantee conformance and compliance with the conditions of the “NUP” and the codes and ordinances of the city. (Amended, Ord. No. 09-03)
- (b) The performance bond shall consist of a bond, cash escrow deposit or irrevocable letter of credit and be in the amount of the city engineer’s estimated costs of labor and materials for the proposed improvements or developments. (Amended, Ord. No. 09-03)
- (c) The city shall hold the performance bond until completion of the proposed improvements or development and a certificate indicating compliance with the non-conforming use permit and codes and ordinances of the city has been issued by the city building inspector. (Amended, Ord. No. 09-03)
- (d) Failure to comply with the conditions of the “NUP” or the codes and ordinances of the city or both shall result in forfeiture of the bond.

510.09. Lots. Subdivision 1. Single family. Any vacant lot of record at the time of the adoption of this code within an R district which does not meet the requirements of this code as to lot area or lot width may be utilized for a single family detached dwelling provided the lot area and lot width are within 80% of said requirements. All other setbacks and open space required by this code shall be met. Should said vacant lot fail to meet these requirements it shall be classified as having insufficient lot area or lot width as a buildable site and no building permit shall be issued unless sufficient land is added to the lot consistent with section 500 of the city code. An existing single family dwelling on a lot which is within an R district and with lot area or lot width below 80% of said requirements, may be expanded provided the entire expansion meets the current zoning regulations. (Amended, Ord. No. 91-03, Sec. 3)

Subd. 2. Buildings per lot. Except in the case of planned unit development as provided for in subsection 530.05 of this code, not more than one principal building shall be located in a lot. The words "principal building" shall be given their common, ordinary meaning. In case of doubt or on any question or interpretation the decision of the building inspector shall be final, subject to the right of appeal to the planning commission and city council.

Subd. 3. Through lots. On a through lot which is a lot fronting on two parallel streets, both street lines shall be front lot lines for applying the yard and parking regulations of this code.

510.11. Accessory structures, uses & equipment.

Subd. 1. Accessory buildings permitted or conditionally permitted. All accessory buildings are subject to the following restrictions:

- (a) No accessory building shall be permitted on any lot prior to the time of the issuance of the building permit for the construction of a principal building.
- (b) Accessory buildings in the rear yard shall not be closer than 1-1/2 feet to any lot line.
- (c) Accessory buildings in a side yard shall not be any closer than five feet to the lot line. If an accessory building is located in a corner side yard, then the required setback shall be the same as what is required for the principal building.
- (d) No accessory building shall be built within six feet of the principal building unless it is connected to the principal building by a living space.
- (e) No detached accessory building shall be placed in the front yard.
- (f) Accessory buildings shall be setback from any alley right-of-way a minimum of two feet.
- (g) Garages with vehicular access to and from an alley or street right-of-way and with the vehicular entrance fronting the street right-of-way shall be set back a minimum of 20 feet from the property line. Garages with vehicular access to and from an alley with the vehicular entrance fronting the alley shall be set back a minimum of 16 feet from the property line. (Amended, Ord. No. 03-33)
- (h) Garages not covered under subsection 510.11, subdivision 1(f) and (g) shall be set back a minimum of two feet for every additional ten degrees of angle from the alley right-of-way.
- (i) In no case shall an accessory building exceed the height of the principal building.
- (j) Accessory buildings shall not exceed 16 feet in height.
- (k) No accessory building shall at any time be used as a dwelling unit (temporarily or permanently) or for a home occupation.
- (l) Attached garages shall be included in the calculation for the total amount of accessory building square foot coverage.
- (m) Any second accessory building(s) that exceeds 240 square feet in size shall require a conditional use permit.

- (n) The chart below sets forth the maximum size for a single accessory building and the total of all accessory buildings allowed:

<u>Lot Width</u>	<u>Maximum Size for a Single Building</u>	<u>Total Coverage of All Accessory Buildings Allowed on a Lot</u>
0 - 49 feet	800 square feet	1000 square feet
50 - 59 feet	860 square feet	1060 square feet
60 - 79 feet	920 square feet	1120 square feet
80 - 99 feet	1000 square feet	1200 square feet
100 plus feet	1200 square feet	1400 square feet

- (o) In no case shall the floor area of an accessory building exceed 100% of the main floor area of the principal structure.
- (p) In R-1 and R-2 zones, accessory buildings shall not occupy more than 25% of the rear yard area. Where a platted alley exists in the rear of the lot, 1/2 of the width of the platted alley may be included for the purpose of calculating rear yard coverage.
- (q) In R-1 and R-2 zones, only one accessory structure without a permanent foundation (concrete) shall be constructed or placed on a lot. (Subsec. Repealed, Ord. No. 99-05; Subsec. Added, Ord. No. 99-05)

Subd. 2. Accessory structures, uses and equipment. No accessory structure, use or equipment which generates noise (such as air conditioning cooling condensers) may be located in a side yard in a residential district, except a corner lot side yard abutting a street, unless the following conditions are met:

- (a) the equipment is not within the required side yard, except that air conditioner condensers may be located in the required side yard if the following conditions are met:
- (1) There is no encroachment into any drainage or utility easement;
 - (2) Placement of the equipment is approved by the city engineer to ensure it does not obstruct drainage or access around the equipment; and
 - (3) Equipment installation and performance is consistent with 510.11, subdivision 2(c) and (d). (Amended, Ord. No. 06-06)

- (b) the equipment is not adjacent to the neighbor's side yard, except if the adjacent property meets one of the following conditions:
 - (1) the adjacent property is currently occupied by a principal building which is equipped with central air conditioning serving the entire building (full house air conditioning); or (Amended, Ord. No. 06-06)
 - (2) the adjacent property is currently occupied by a principal building which is to be equipped with central air conditioning serving the entire building (full house air conditioning) concurrently with the subject property; or (Amended, Ord. No. 06-06)
 - (3) the adjacent property is currently occupied by a principal building which has no windows or doors in the wall immediately abutting the yard in question or is separated from the yard in question by a detached accessory building or by an attached garage; or (Amended, Ord. No. 06-06)
 - (4) the adjacent property is currently occupied by a principal building which is at least 20 feet from the proposed location of the equipment. (Amended, Ord. No. 06-06)
- (c) the equipment operates at noise levels of 74 decibels (dB) or less according to manufacturer's specifications; and (Amended, Ord. No. 06-06)
- (d) the equipment is muffled so that it emits no more than 50 decibels at the nearest lot line. Acceptable muffling includes:
 - (1) a six foot high solid wood fence constructed along the side lot line running from front yard to back yard; or (Amended, Ord. No. 06-06)
 - (2) an acoustical fence constructed around the air conditioner; or (Amended, Ord. No. 06-06)
 - (3) landscaping installed around the air conditioning unit approved by staff.

Furthermore, such accessory uses shall not be located in any front, side, or rear yard in a business district if that yard abuts a residential district.

Subd. 3. Vehicle storage. The open storage of unlicensed and or inoperable passenger vehicles, trucks and recreational vehicles does not qualify for an accessory use.

Subd. 4. Swimming pools. All swimming pools shall have fences or walls at least six feet in height around the perimeter with a self-closing gate.

510.13. Yards. Subdivision 1. Exceptions. The following shall not be considered as encroachments on required yard setback requirements:

- (a) In any rear yard or front yard: terraces, awnings, canopies, steps, chimneys, flag poles, egress window wells, and roof overhangs of 12 inches on an accessory use structure and 24 inches on a principal use structure; and air conditioning or heating equipment provided that when placed in front yard, such equipment is screened with landscaping of sufficient height and thickness so as to render it as inconspicuous as is reasonably practical from the street. (Amended, Ord. No. 10-10, Sec. 1)
- (b) In side or rear yards: off-street open parking spaces in R-1 and R-2 districts.
- (c) In rear yards: recreational and laundry drying equipment, arbors and trellises, balconies, breezeways, detached outdoor living rooms, and garages.
- (d) Side yards: stoops and awnings which may be folded flat against the building, and roof overhangs of 12 inches on an accessory use structure and 24 inches on a principal use structure; cantilevered bump-out or boxed windows, chimneys, chimney flues may encroach the side yard setback up to 24 inches so long as said cantilevered appurtenance is above ground; egress window wells subject to the following conditions: (Amended, Ord. No. 10-10, Sec. 1, Amended Ord. 12-07, Sec. 1)
 - (1) Egress window wells located within side yards shall not obstruct drainage patterns nor cause stormwater to drain onto adjoining properties. (Added, Ord. No. 10-10, Sec. 1)
 - (2) Approval by the City Engineer is required for egress window wells that are less than two feet from the side lot line. (Added, Ord. No. 10-10, Sec. 1)
 - (3) Egress window well walls closer than 1.5 feet to the side lot line will require a conditional use permit. (Added, Ord. No. 10-10, Sec. 1)

Subd. 2. Vestibules. On existing structures, vestibules may extend not more than five feet into any required yard provided it is only one story, does not exceed 50 square feet, and does not extend nearer than 25 feet from a front property line or ten feet from any rear property line.

Subd. 3. Decks. A deck or open porch no higher than 30 inches may extend not more than ten feet into any required yard provided it does not extend nearer than 20 feet from any front property line and five feet from any side or rear property line. Setbacks affecting decks and platforms exclusively associated with ramps for handicapped access may be waived by the city planner, whose decision may be appealed to the city council. Any such deck or platform having had applicable setbacks previously waived must be removed within 30 days of written notification by the community development department, that said deck or platform no longer meets the requirements for waiver. (Amended, Ord. 07-09)

510.15. General building requirements. Subdivision 1. Height limitations.

- (a) Exceptions: The building height limits established herein for districts shall not apply to the following:
- (i) belfries
 - (ii) chimneys or flues
 - (iii) church spires
 - (iv) cooling towers
 - (v) cupolas and domes which do not contain usable space
 - (vi) elevator penthouses
 - (vii) flag poles
 - (viii) monuments
 - (ix) parapet walls extending not more than three feet above the limiting height of the building
 - (x) water towers
 - (xi) poles, towers and other structures for essential services
 - (xii) necessary mechanical and electrical appurtenances
 - (xiii) television antennas not exceeding 20 feet
 - (xiv) telecommunications tower and facilities (Added, Ord. No. 97-06)
 - (xv) telecommunications facilities on antenna support structures (added, Ord. 97-06)
- (b) No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than 25 percent of the area of such roof.

Subd. 2. Dwelling unit restrictions. No basement, garage, tent, mobile home or accessory building shall at any time be used as a residence or dwelling unit, temporarily or permanently.

Subd. 3. Drainage plans. In the case of all apartment, business and industrial developments, the drainage plans shall be submitted to the city engineer for the engineer's comments and the final drainage plan shall have the engineer's approval.

Subd. 4. (Added, Ord. 08-09) Erosion control requirements. All land alteration or site grading in any district that results in the extraction of more than 25 cubic yards of material, or that disturbs an area of more than 100 square feet, or causes any stockpile in excess of five cubic feet of material shall require the following measures:

- (a) The entire perimeter of all disturbed or stockpiled areas shall be enclosed by silt fencing or other materials approved by the city engineer to contain the run off from soil or stockpiled materials.
- (b) All catch basins, curbs, manholes, storm drain inlets and other applicable infrastructure shall be protected during construction with straw bales, silt fence or other equivalent barrier approved by the city engineer to eliminate the infiltration of non-stormwater run off generated or associated with the site alteration activities.

- (c) When vegetation is removed during construction, the exposed condition of the land shall be kept to the shortest practical period of time, but no longer than 60 days. Areas left denuded for periods in excess of five days may be required to have temporary vegetation, seeding, mulch and to be stabilized with erosion control netting or blanket as required by the city engineer.
- (d) Streets must be cleaned and swept whenever tracking or spillage of sediment occurs and before sites are left idle for weekends and holidays.
- (e) Dust must be controlled in a manner approved by the city engineer.
- (f) Permanent vegetation and structures shall be installed within 30 days after completion of initial grading. If grading is not completed erosion measures, including dormant seeking and mulching shall be implemented.
- (g) If the soil is not stabilized through landscaping when a certificate of occupancy is issued, the city may require financial security, not to exceed 150% of the estimated cost of erosion and sediment control on the site. The financial security will be returned when the landscaping is approved by the city engineer.
- (h) Any person, firm, corporation, agency or other party who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this code is subject to enforcement and penalties described in section 535.09, subdivision 1.

510.17. Off-street parking. Subdivision 1. Purpose. The purpose of this subsection is to alleviate or prevent congestion of public rights-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures or both.

Subd. 2. General provisions.

- (a) Existing off-street parking spaces and loading spaces upon the effective date of this code shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar new use.
- (b) Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of licensed and operable passenger vehicles, licensed and operable recreational vehicles as regulated in subsection 515.01, subdivisions 3 and 4. Off-street parking facilities accessory to residential uses may be utilized for the parking of not more than one licensed and operable truck not exceeding a gross vehicle weight of 9,000 pounds. Under no circumstances shall facilities accessory to residential structures be used for the parking or storage of semi-truck tractors or semi-truck tractor-trailer combinations, for the storage of commercial vehicles, or to provide off-street parking or storage facilities for non-residential uses.

- (c) Calculating spaces. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space. In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this code.
- (d) Stall and aisle or driveway design.
 - (1) (i) Standard size vehicles. Each parking space shall not be less than 8-1/2 feet wide and 18 feet in length exclusive of an adequately designed system of access.
 - (ii) Compact parking spaces. Each compact space shall not be less than 7-1/2 feet wide and 16 feet in length and shall be provided at a rate of 25% of the total required off-street parking.
 - (2) The required parking spaces serving one and two family dwellings may be designed for parking not more than two vehicles in a tandem arrangement for each dwelling unit in order to comply with the requirements of this code.
 - (3) Parking areas of five spaces or more shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley.
 - (4) Driveways serving four or less parking spaces shall be a minimum of ten feet in width.
 - (5) Parking areas of five spaces or more and their aisles or driveways shall be developed in compliance with Table I.

(i) Table I

	<u>Wall to Wall</u>		<u>Wall to Interlock</u>		<u>Interlock to Interlock</u>	
	<u>Bay Width</u>	<u>Aisle Width</u>	<u>Bay Width</u>	<u>Aisle Width</u>	<u>Bay Width</u>	<u>Aisle Width</u>
	(minimum)		(minimum)		(minimum)	
45	51.0'	14.0'	49.0'	14.0'	46.0'	14.0'
60	56.0'	16.0'	54.0'	16.0'	52.0'	16.0'
90	62.0'	25.0'	62.0'	25.0'	62.0'	25.0'

Notes:

Standard size vehicle spaces

Stall Width:	8-1/2 feet
Stall Length:	18 feet

Compact or sub-compact size vehicle spaces

Stall Width:	7-1/2 feet
Stall Length:	16 feet

Handicapped size vehicle spaces

Stall Width:	12 feet
Stall Length:	18 feet

- (6) Parallel space design. All on-street and off-street parallel parking spaces shall not be less than nine feet wide and 22 feet in length exclusive of an adequately designed system of access.
- (7) Handicapped stalls. Each parking space shall not be less than 12 feet wide and 18 feet in length and shall be provided at a rate of one space per 50 standard or compact spaces, or both, or any fraction thereof.
- (8) All parking areas providing five or more spaces shall be double striped.
- (e) Access. Driveways shall be provided for all off-street parking and shall be designed so as to provide adequate means of access to a public alley or street. Such access shall be located as to cause least interference with traffic movement and minimum traffic hazards.
- (1) No driveway in any district shall exceed 25 feet in width unless travel lanes are properly stenciled and no curb cut in any district shall exceed 22 feet in a residentially zoned district or 35 feet in a commercially zoned district. Detailed plans shall be submitted to the city engineer for approval for all curb cuts or driveway openings before a permit will be obtained therefore.
- (2) Driveway access curb opening on a public street, except for single and two-family dwellings, shall not be located less than 25 feet from one another.
- (f) Signs.
- (1) No sign shall be so located as to restrict the orderly operation and traffic movement within any parking area.
- (2) All compact and handicapped parking spaces shall be individually signed or stenciled.

- (g) **Surfacing.**
- (1) In all R-3, R-B, B-1, B-2, B-3, B-4 and B-W districts, areas intended to be utilized for self-propelled vehicle parking spaces and driveways shall be surfaced with blacktop, concrete, other hard surface material approved by the city, to control dust and drainage. Plans for parking lots in these districts shall be submitted to the city engineer for review
 - (2) and the final drainage plan shall be subject to the city engineer's approval. Compliance with the hard surfacing requirement may be scheduled over a period of time, not to exceed five years, if approved by the city council.
 - (3) For new construction of new garages and/or homes in all R-1 and R-2 districts, areas intended to be used for self-propelled vehicle parking spaces and driveways shall be surfaced with blacktop, concrete and/or other hard surfaced material approved by the city. Parking areas and driveways for existing garages and/or homes shall be surfaced with a material suitable to control dust and drainage. A grass covering does not constitute an acceptable surfacing material. (Amended, Ord. No. 03-33)
- (h) **Lighting.** Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with subsection 510.25, subdivision 5.
- (i) **Curbing, screening, and landscaping.**
- (1) All open off-street parking areas of five spaces or more designed to have head-in parking along the property line shall provide a bumper curb not less than five feet from the side property line or a guard of normal bumper height not less than one foot from the side property line. A fence or evergreen planting of three feet in height shall be erected along the front yard setback line with grass, planting, or surfaced material occupying the space between the sidewalk and curb, fence or evergreen planting.
 - (2) All open off-street parking areas of five or more spaces shall be screened and landscaped from abutting or surrounding residential uses in compliance with subparagraph (1) above and subsection 510.25, subdivision 2 of this code.
- (j) **Maintenance of off-street parking.** It shall be the joint and several responsibility of the operator and owner of the principal use, uses, or building, or both, to maintain, in a neat and adequate manner, the parking space, accessways, landscaping, and required fences.

Subd. 3. Location. All accessory off-street parking facilities required by this code shall be located and restricted as follows:

- (a) Space accessory to one and two family dwellings shall be on the same lot or on a directly adjacent lot under the same ownership as the principal use served.
- (b) Ninety degrees (90°) head in parking, directly off of and adjacent to a public street or alley, with each stall having its own direct access to the public street or alley, shall be prohibited. However, the city council may approve sixty degree (60°) head in angle parking, directly off and adjacent to a public street or alley, with each stall having its own direct access to a public street or alley, as a conditional use as regulated by subsection 535.01. (Amended, Ord. No. 00-04).
- (c) There shall be no off-street parking within five feet of any street right-of-way in a commercially zoned district (B-1, B-2, B-3, B-4, and B-W) and no off-street parking within 15 feet of any street right-of-way in a residentially zoned district (R-1, R-2, R-3, and R-B) as measured from the property line.
- (d) For one and two-family dwellings no more than one of the required parking spaces for each unit may be located in the front yard. This requirement shall not apply to approved combination residential and commercial projects as regulated by subsections 515.07 and 520.03 of this code. Said type of parking spaces shall not be enclosed within a building or structure.
- (e) Spaces accessory to multiple family dwellings shall be on the same lot as the principle use served or within 200 feet of the main entrance to the principal building served.
- (f) Except as additionally limited above, spaces accessory to uses located in any use district shall be within 300 feet of the main entrance to the principal building served unless otherwise authorized by conditional use permit.

Subd. 4. Off-site parking.

- (a) Public property, including public right-of-way or private property, or both, may be utilized to meet the parking requirements of this code, provided that:
 - (1) Any off-site parking which utilizes private property to meet the requirements of this code shall be a conditional use as regulated by subsection 535.01 of this code. Any off-site parking which utilizes public property to meet the requirements of this code shall be approved by motion of the city council.
 - (2) Such off-site parking shall comply with all parking standards stated in this code.
 - (3) Reasonable access from off-site parking facilities to the use served shall exist.
 - (4) Use of public right-of-way to meet the requirements of this code shall be a conditional use as regulated by subsection 535.01.
- (b) Any use which depends upon off-site parking to meet the requirements of this code shall maintain the minimum number of required parking spaces or cease operation and use until such time as there is full compliance with the requirements of this code.
- (c) Whenever required parking facilities are on land, a lot or parcel other than the principal building which is to be served, a properly drawn legal instrument, executed by the parties concerned, duly approved as to form and manner of execution by the city attorney, shall be filed with the city clerk.
- (d) Any use which depends upon off-site parking to meet the requirements of this code shall require a certificate of zoning compliance, renewable annually, as regulated by section 535.07.

Subd. 5 . Within structures. The off-street parking requirements may be furnished by providing a space so designed within the principal building or one attached thereto as defined herein; however, if provisions are so made, no building permit shall be issued to convert said space into a dwelling unit or living area unless other adequate provisions are made to comply with the required off-street parking provisions of this code.

Subd. 6. Joint facilities.

- (a) Except in the R-1 and R-2 districts and as herein provided, required off-street parking facilities serving two or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall not be less than the total sum of the separate requirements for each use.
- (b) The city council may, after receiving a report and recommendation from the planning commission, approve a conditional use permit for one or more businesses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. When considering a request for such a permit, the planning commission shall not recommend that such permit be granted nor the council approve such a permit except when the following conditions are found to exist.
 - (1) Up to 50% of the parking facilities required for a theatre, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as primarily daytime uses in paragraph 4 below.
 - (2) Up to 50% of the off-street parking facilities required for any use specified under paragraph 4 below as primary daytime uses may be supplied by the parking facilities provided by the following nighttime or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars or restaurants.
 - (3) Up to 80 percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under paragraph 4 below as primarily daytime uses.

Subd. 7. Number of spaces required. The following minimum areas shall be provided and maintained by ownership, easement, or lease or combination thereof for and during the life of the respective uses as hereinafter set forth:

- (a) single family, two family, and townhouse sites: two spaces per unit;
- (b) multiple family dwellings: one and one-half fee-free spaces per unit;
- (c) motels, motor hotels, hotels: one space per each rental unit plus one additional space for each ten units;
- (d) boarding and rooming houses: at least one fee-free parking space for each person for which accommodations are provided for sleeping;
- (e) hospitals: 1.9 spaces per bed;
- (f) medical, dental, or hospital out-patient clinics: one space for each 110 square feet of net floor area or seven and one-half spaces per doctor, whichever number of parking spaces is greater;
- (g) sanitarium, convalescent home, rest home or nursing home: at least one parking space for each six occupants for which accommodations are offered plus one additional parking space for each 15 occupants;
- (h) senior housing: one-half space per unit; (Amended, Ord. No. 08-02)
- (i) churches, theatres, and other places of public assembly: at least one parking space for each five seats based upon the design capacity of the main assembly hall;
- (j) drive-in establishment and convenience food: at least one parking space per 15 square feet of gross area excluding kitchen and dining area, or the parking demand required by subdivision 7(1), or a minimum of eight spaces where there is no interior ordering area, whichever is greater. (Amended, Ord. No. 93-13)
- (k) motor fuel station: at least four off-street parking spaces plus two off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service or both shall be required to provide additional parking in compliance with other applicable sections of this code;

- (l) restaurants, cafes, private clubs serving food and drinks, taverns: at least one space for each four seats based upon design or where there is no design layout, one space for each 30 square feet of gross floor area;
- (m) retail sales and service business: one space for every 200 square feet of gross floor area; if located within the Downtown Architectural Design Guidelines Overlay District, one space for every 400 square feet of gross floor area. (Amended, Ord. No. 01-07)
- (n) warehousing, storage, or industry, or combination thereof: at least one space for every 500 square feet of gross floor area or one space for each employee on the maximum shift, whichever is greater. Where uses, as outlined in this section, constitute at least 50% of gross floor area and are combined with retail service uses, parking requirements shall be calculated through appropriate application of both subdivision 7(m) and (n) of this subsection;
- (o) general office uses in all B zones: one space for every 250 gross square feet;
- (p) general office uses in RB zones: one space for every 200 gross square feet;
- (q) handicap housing: one-half space per unit;
- (r) state licensed residential care facilities: two spaces per dwelling unit, plus one space per support vehicle, plus one-half space for every support staff of the dwelling on the maximum shift.
- (s) medical centers greater than 100,000 square feet and part of a planned unit development: the number of spaces shall be determined by independent study based upon existing procedures used by the Institute of Transportation Engineering (ITE) or equivalent. Furthermore, a study, paid for by applicant and conducted by a consultant of city's choice, will be required one year after completion, before additional phases are to be constructed, to determine if adequate parking needs are met. Any parking shortage identified by the parking study must be mitigated. After each phase of the planned unit development, the parking will be evaluated for its efficiency before any further phases of construction are approved. (Added, Ord. No. 93-13)

Subd. 8. Shared parking.

- (a) The city may reduce, by conditional use permit, the amount of off-street parking required when an off-street parking facility serves two or more individual land uses and when certain other conditions as set forth in paragraph (b) below are met. In these uses the parking requirement shall be equal to the combined peak parking demand of the individual land uses determined by using subsection 510.17, subdivision 7 for number of spaces required and the following table for the percentage of peak parking demand for various time periods:

(1) Table II.

**Percentage of Parking Occupied as Compared to
Peak Parking Demand for Individual Land Uses,
By Day and Hour of Day**

(i) Weekday.

Hour	Res.	Off.	Ret.	Rest.	Theater	Hotel/ Motel
7	90	20	6	—	--	85
8	80	60	15	6	--	65
9	74	92	31	10	--	55
10	68	100	52	20	--	45
11	60	100	65	30	—	35
12 Noon	60	88	74	50	30	30
1	60	92	75	70	60	30
2	60	96	74	60	60	35
3	61	94	72	56	60	35
4	65	76	66	50	60	45
5	78	48	60	70	60	60
6	85	25	62	90	68	70
7	94	8	68	100	78	75
8	96	5	65	100	84	90
9	98	4	44	100	84	95
10	100	2	22	95	84	100

(ii) Saturday.

Hour	Res.	Off.	Ret.	Rest.	Theater	Hotel/ Motel
7	95	4	4	—	--	85
8	88	10	10	3	--	65
9	80	14	29	5	--	55
10	74	15	45	8	--	45
11	72	18	72	10	—	35
12 Noon	71	19	83	30	32	30
1	70	14	94	45	70	30
2	70	10	100	45	70	35
3	74	8	98	45	70	35
4	76	5	90	45	70	45
5	82	4	75	63	70	60
6	88	3	63	88	80	70
7	94	—	60	100	90	75
8	96	--	54	100	100	90
9	98	--	40	99	100	95
10	100	--	37	93	100	100

- (b) The following conditions must be met before the city may allow shared parking:
- (1) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
 - (2) The off-street parking facility shall be located in a development of at least two acres in size or shall accommodate at least 100 cars.
 - (3) A properly drawn legal instrument, executed by the parties concerned for shared use of off-street parking facilities, duly approved as to form and manner of execution by the city attorneys shall be filed with the city clerk and recorded with the register of deeds, Hennepin county.
 - (4) The site shall be located in B-3 or B-4 zones.

Subd. 9. Proof of Parking Required: Permitted or conditional uses shall be capable of providing the number of on-site parking spaces required by Section 510.17, Subd. 7 at any time said parking is needed. Parking sufficient in quantity to meet the ordinance requirement shall be shown on the official site plan for which a building permit request is made. However, all such required parking spaces need not be constructed initially if, to the satisfaction of the City in its sole discretion, it is demonstrated by the owner, based upon actual demand at similar uses, to be in excess of the initial parking demand. The balance of the required parking shall be constructed at a later date by the owner when the City in its sole discretion determines it to be needed. A conditional use permit is required for proof of parking. (Added, Ord. No. 14-04)

510.19. Offstreet loading. Subdivision 1. Design and maintenance.

- (a) Location.
- (1) All required loading berths shall be off-street and located on the same lot as the building or use to be served.
 - (2) A loading berth shall not be located less than 40 feet or two-thirds of the lot width from the intersection of two public streets.
 - (3) No loading berth shall be located closer than 50 feet from a residential district unless within a structure.
 - (4) Loading berths shall not occupy the front yard setbacks.
 - (5) Loading berths located at the front or at the side of buildings on a corner lot shall require a conditional use permit.
 - (i) loading berths shall not conflict with pedestrian movement.
 - (ii) loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
 - (iii) loading berths shall comply with all other requirements of this section.
- (b) Size. Unless otherwise specified in this code, a required loading berth shall be not less than ten feet in width, 25 feet in length and 14 feet in height, exclusive of aisle and maneuvering space.
- (c) Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.
- (d) Surfacing. All loading berths and accessways shall be improved with a durable material to control the dust and drainage according to a plan approved by the city engineer.
- (e) Accessory use. Any space allocated as a loading berth or access drive so as to comply with the terms of this code 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.
- (f) All loading areas shall be screened and landscaped from abutting and surrounding residential uses in compliance with subsection 510.25, subdivision 2.

Subd. 2. Required loading berths. Subdivision 1. Off-street loading. In connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, and which will have a gross floor area of 10,000 square feet or more, there shall be provided off-street loading space on the basis of the minimum requirements set forth in subdivision 3:

Subd. 3. Table III.

<u>Square Feet of Aggregate Gross Floor Area</u>	<u>Minimum Required Number of Berths</u>
10,000 up to and including 16,000	1
16,000 up to and including 40,000	2
40,000 up to and including 70,000	3
70,000 up to and including 100,000	4
For each additional 40,000	1 additional
Multiple dwellings 10,000 square feet and up	1 berth

510.21. Land reclamation. Subdivision 1. Permit required. Under this code, land reclamation is the reclaiming of land by depositing of material so as to elevate the grade in which 400 cubic yards or more of fill is deposited. Land reclamation shall not be interpreted as the depositing of fill from a building excavation on the same property. Land reclamation shall be permitted by conditional use permit in all districts as regulated by subsection 535.01.

Subd. 2. Permit requirements. The permit shall include, as a condition thereof, a finished grade plan which will not adversely affect the adjacent land and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress, and for control of material disbursed from wind or hauling of material to or from the site.

Subd. 3. Concurrent permits. The restrictions, conditions and requirements of the granting of an excavation permit, as regulated by section 800 of the city code, shall pertain to and be considered concurrently with an application for land reclamation conditional use permit and shall be concurrently granted or denied. In such cases, the application fee for the excavation permit shall be waived.

510.23. Building permits. Subdivision 1. Permit required. No construction shall commence until a building permit has been issued indicating that the existing or proposed structure and the use of the land comply with this code and all building codes.

Subd. 2. Applications, site plans. All applications for building permits, which will affect the outside dimensions of a structure, shall be accompanied by three copies of a site plan.

- (a) If the site consists of (1) land not a part of a subdivision, (2) land composed of partial lots, or (3) an existing structure where no survey showing existing structures is available, the site plan shall be attached to a certificate of survey or a registered land survey showing the actual dimensions of the lot, lots or parcel to be built upon and any existing structures. The site plan shall also show dimensions of existing or proposed structures to be erected or structurally altered or both, their location on the site in relation to the outside boundary, the required off-street parking plan, proposed and existing grades, which indicate drainage considerations, and such other information as may be necessary to provide for the enforcement of these regulations. The city may waive the certificate of survey requirement for minor additions such as stoops, chimneys, and decks provided the addition is well within the setback requirements.
- (b) Site plans submitted for all uses except one and two family dwellings shall contain lighting and landscape plans, and all site improvements are to be bonded at the rate of one and one-half times their estimated cost, guaranteed by cash, letter of credit or bond to the city based on the city's discretion.
- (c) The council may waive the bond requirement, but a performance agreement is then required from the landowner. The performance agreement shall require the work to be done within a reasonable time, to be fixed in the agreement, and shall further provide that if such improvements are not completed within the time specified, the city may enter onto the property and construct or complete such improvements and assess the cost against the landowner.

Subd. 3. Construction plans. No building permit will be issued unless sufficient construction plans or written description of construction, grading, excavating and filling as required by the city to assure reasonable structural safety and adequacy of building and finished grades for the proposed use have been submitted and approved.

Subd. 4. New construction. For new construction, other than additions and accessory buildings in R-1 and R-2 districts, once construction of the foundation has been completed, a certificate of survey showing the location of the foundation shall be required before the framing of the structure is begun.

Subd. 5. Parking lots. All institutional, multiple dwelling, commercial and industrial developments must obtain a parking lot permit before paving may begin on any parking lot built or added on to, that is not a part of a building permit. A plan for the parking lot shall be submitted to the city for approval. This plan shall show the proposed site, structures, access drives, off-street loading spaces, screening, lighting, stacking spaces, curbing, drainage, striping, landscaping, parking spaces, existing structures within 100 feet of the site and paving specifications. If the proposed plan meets all city and state requirements, a parking lot expansion permit shall be issued.

Subd. 6. Expiration. Every permit issued by the city under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

510.25. General performance standards. Subdivision 1. Purpose. The purpose of this subsection is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight; deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

Subd. 2. Screening and landscaping.

(a) Required screening and landscaping is as follows:

- (1) Where landscaping or screening, or both, is required under the provisions of this ordinance, the person responsible for the proposed actions must submit to the construction coordinator or city planner, or both, a detailed landscaping plan, identifying design, size, and type of all planting or screening materials, or both.
- (2) Performance bonds.
 - (i) The city shall be provided with a performance bond, cash escrow, certificate of deposit, securities, or cash deposit prior to approval of the landscaping plan or initiation of work on the proposed improvement or development. Said security shall guaranty conformance and compliance with the provisions of this section, and where applicable, the conditions of the conditional use permit. (Amended, Ord. No. 09-03)
 - (ii) The security shall be in an amount to be determined by the city planner or construction coordinator, or both, but no less than one and one-half times nor, more than twice the amount determined by the city planner or construction coordinator, or both, for completion of the required screening or landscaping, or both.

- (iii) The security shall be in force for at least two growing seasons subsequent to the completion of the required landscaping and to insure proper planting and growth.
- (3) The screening required herein shall consist of a solid fence or wall constructed from masonry, brick, wood, or steel, or combination thereof. Such fence or wall shall not exceed six feet in height or be less than four feet in height. Screening shall not extend within 15 feet of any street and shall be placed along the property line or in the case of screening along a street, 15 feet from the street with landscaping, trees, shrubs, grass, or other planting between the screening and the boulevard.
- (4) Earth mounds, compact evergreen, or dense deciduous hedge five to six feet in height, together with over and under story trees or other plantings may be required in addition to or in lieu of screening. Where required, such landscaping shall consist of the following:

- (i) Earth mounds not greater than four feet in height and shall not exceed a 1:1.5 slope.

- (ii) Planting materials measuring at the time of planting:

	Potted/Bare Root*	Balled and Burlapped
Shade trees	1 3/4 in. dia.	2 in. dia.
Half trees (flowering crab, russian olive, hawthorn, etc.)	6-7 ft.	1 1/2 in. dia.
Evergreen trees		3-4 ft.
Tall shrubs and hedge material (evergreen or deciduous)	3-4 ft.	
Low shrubs (evergreen or 18-24 in. deciduous)		

*Mode is dependent upon time of planting season, availability, and site conditions. Includes both natural (soils, climate, ground water, etc.) and man-made (irrigation, grading, etc.) influences). Consult the city landscape architect or the city's qualified representative as to correct procedure.

- (5) Trees, shrubs, or ground covers shall meet the standards of the American association of nurserymen.
- (6) Regular maintenance of said landscaping, as dictated by the site conditions (soils, climate, ground water, etc.) shall be required. Failure of said landscaping to consistently comply with and meet the intent of this section shall constitute a violation of this code.

- (b) General screening and landscaping.
- (1) No fence shall exceed six feet in height and in the case of grade separation such as the division of properties by a retaining wall, the height shall be determined on the basis of measurement from the average point between the highest and lowest grades.
 - (2) Fences located in a front yard may not exceed four feet in height.
 - (3) All exposed areas surrounding or within a principal or accessory use, including street boulevards which are not devoted to parking, drives, sidewalks, patios or other such uses, shall be landscaped with grass, shrubs, trees, or other ornamented landscape material. Such landscaping shall conform with the planting plan submitted within the building plans approved by the city, unless subsequent alterations in the landscaping plan have been approved by the city planner or construction coordinator, or both.
 - (4) All outdoor swimming pools shall have fences or walls at least six feet in height around the perimeter with self-closing gates.
 - (5) Fence height limits may be increased by the city council for public facilities requiring additional security or safety measures. (Added, Ord. No. 95-14)
- (c) Fences adjacent to property lines. Every fence hereinafter erected within five feet of a property line shall be erected in the following manner: posts, supporting rails and other supporting elements, when located to one side of the wire mesh or other screening materials, shall be located on and face the fence owner's property.
- (d) Hazardous fences. No person shall place, construct or maintain or cause to be placed or constructed any electric fence within the city nor shall any person install or permit to be installed, any wire or chain-link type fence with the cut or selvage end or the fencing exposed at the top, when such exposed top is less than six feet above the ground level. Further, no person shall construct, use or maintain any barb-wire fence on residentially zoned or used property. On all property zoned other than residential, barb-wire may be permitted on the top of a fence, provided that no strand of barbed wire is less than six and one-half feet above the ground level below.

- (e) Plantings or other structures/features in streets, alleys, sidewalks, or boulevard easements. No structures/features, fences, walls, posts, trees, bushes, or any plant life other than grass shall be placed or replaced, or planted or replanted, in any combination thereof, within any of the public easements for right-of-way for streets, alleys, sidewalks, and boulevards within the city unless authorized by a written permit from the city as set forth in Section 800.23 of the city code. Any unauthorized structure/feature, planting, etc. may be deemed a nuisance and abated as set forth in Section 2020, Subdivision 2-5. The above provisions shall not prohibit planting or replanting and maintenance of trees in accordance with Section 820.02 of the city code, nor shall such provisions be deemed to prohibit the installation or maintenance by the city of any fence, wall, post or other structure on public right-of-way. (Amended Ordinance No. 04-01)
- (f) Visibility at intersections. In addition to the restriction of subsection 510.25, subdivision 2(e), and in order to preserve and promote the public safety, nothing shall be erected, placed, planted, maintained, or allowed to grow on a corner lot in any district in such a manner as materially to impede vision between a height of three feet and ten feet above the centerline grades of the intersection streets in the triangle bounded by the curb lines of such corner lot and a straight line joining points on such curb lines 35 feet from their intersection; however, for developments located in Section 521 – Zoning: downtown district, this curblines dimension may be reduced to 20 feet. (Amended, Ord. No. 99-15)
- (g) Visibility at alleys.
- (1) Nothing shall be erected, placed, planted, maintained, or allowed to grow on a lot in any district in such a manner as materially to impede vision between a height of three feet and ten feet above the centerline grade of the intersection of any street and alley or two alleys in the triangle bounded by the property lines of such lot and a straight line adjoining points on such property lines five feet from their intersection of the property.
 - (2) No fence or wall may be installed within 24 inches of an alley right-of-way.
 - (3) No shrub, tree, or hedge may extend over the alley driving surface, and further, no shrub, tree or hedge may be planted in the alley right-of-way.

(h) Mechanical equipment screening.

- (1) For all zoning districts except R-1 and R-2 districts all mechanical equipment mounted on a roof shall be physically screened completely or partially as determined by 510.25 2(h)(3) or (4). For the purpose of this subsection, mechanical equipment requiring screening includes but is not limited to exposed and/or protruding fans, grills, pipes, tubes, wires, vents; unfinished metal covering, exposed rivets, exposed seams. (Amended, Ord. No. 99-16)
- (2) Materials used for screening shall include factory prefinished metal, wood laminated with metal, or other building material in a manner architecturally integral to the building of buildings on site. The use of wood as a screening material shall not be considered as being architecturally integral unless the building is constructed with a wood exterior. All screening materials must be securely fastened to the structure. (Amended, Ord. No. 99-16) (Amended, Ord. No. 99-16)
- (3) Any new construction shall be required to screen all rooftop equipment that is setback closer than 10 feet to the edge of the rooftop and two feet higher than the roof parapet on all sides of the building. In some cases the city may allow low profile equipment to be painted to blend in with background materials and color. (Added, Ord. No. 99-16)
- (4) The city council at their discretion may waive rear and side screening requirements for existing buildings being substantially renovated for reasons including but not limited to:
 - (a) the building consists of a multiple tenant building where the tenant doesn't have control over the rest of the buildings;
 - (b) the screening would lack architectural continuity;
 - (c) there is screening already provided on the front portion of the building; and
 - (d) the property/building is located on a double fronted lot. (Added, Ord. No. 99-16)

- (5) All mechanical equipment located on the ground and possessing one or more of the characteristics listed below in 510.25, subdivision 2(h)(6) shall be physically screened from public view and adjacent residential land uses with either plant material approved by the city or factory prefinished metal, wood laminated with metal, or other building material in a manner architecturally integral to the building or buildings on site or ground. (Amended, Ord. No. 99-16)
- (6) Irregular in size and shape; exposed and/or protruding fans, grills, pipes, tubes, wires, vents; unfinished metal covering, exposed rivets, exposed seams. (Added, Ord. No. 95-14; Amended, Ord. No. 99-16)

Subd. 3. Exterior storage. All materials and equipment except as provided for in this section shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

- (a) laundry equipment;
- (b) recreational equipment and vehicles;
- (c) construction and landscaping material currently being used on the premises;
- (d) off-street parking of passenger vehicles and trucks not exceeding a gross capacity of 9,000 pounds.

Subd. 4. Refuse.

- (a) All waste materials, debris, refuse or garbage shall be subject to section 605 of the code.
- (b) Passenger vehicles and trucks in an inoperative state or unlicensed or unregistered, or combination thereof, shall not be parked or stored in an outside location for a period exceeding 30 days; inoperative shall mean incapable of movement under their own power and in need of repairs or junk yard. All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a conditional use, or otherwise permitted by provisions of this code shall be considered as refuse.

Subd. 5. Glare. Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one foot candle meter reading as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles meter reading as measured from said property.

Subd. 6. Smoke. The emission of smoke by any use shall be in compliance with and regulated by the state of Minnesota pollution control standards, Minnesota regulation APC 1-15 and as subsequently expanded, modified or amended.

Subd. 7. Dust and other particulated matter. The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the state of Minnesota pollution control standards, Minnesota regulation APC 1-15 and as subsequently expanded, modified or amended.

Subd. 8. Odors. The emission of odorous matter in such quantity as to be offensive, shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the state of Minnesota pollution control standards, Minnesota regulation APC 1-15 and as subsequently expanded, modified or amended.

Subd. 9. Noise standards.

- (a) These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These requirements are consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the land use districts herein described. However, these standards do not, by themselves, identify the limiting levels of impulsive noise, needed for the preservation of public health and welfare.

(b) Table IV.*

<u>Land Use District</u>	<u>Day (7:00 a.m. - 10:00 p.m.)</u>		<u>Night (10:00 p.m. - 7:00 a.m.)</u>	
	L50	L10	L50	L10
RI, R2, R3, NG	60dBA	50dBA	50dBA	55dBA
RB, BI, B2, B3, B4	65dBA	70dBA	65dBA	70dBA
BW	75dBA	80dBA	75dBA	80dBA

* L50, L10, dBA are defined in Chapter 7010 of the Minnesota Pollution Control Agency Air Quality Division Noise Pollution Control Rules. These definitions are incorporated by reference herein.

(c) Exceptions to standards established in subdivision 9 (a) and (b) above.

- (1) noises not directly under the control of the property owner;
- (2) noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.;
- (3) the noise of safety signals, warning devices, and emergency pressure relief valves;
- (4) transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

Subd. 10. Procedures. In order to assure compliance with the performance standards set forth above, the city council may require the owner or operator of any permitted use to have made such investigation and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organization as may be selected by the council after 30 days notice. The costs incurred in having such investigations or tests conducted shall be shared equally by the owner or operator and the city, unless the investigation and tests disclose noncompliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above shall not preclude the city from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

Subd. 11. (Added, Ord. No. 93-01) Performance standards. All planned unit developments in R-B districts will be required to adhere to performance standards required of similar uses in this code, but also subject to additional provisions as provided by the city.

(a) Bufferyards.

The purpose of a bufferyard is to reduce the undesirable impact of a use on a neighboring property.

Where bufferyard requirements conflict with any other portion of the city ordinance, the stricter requirements shall apply.

These bufferyard standards may be adjusted by the city through the PUD process to allow for the overall benefit of the adjacent neighborhood.

(b) Determination of required bufferyard.

Bufferyards shall be required for all new buildings within a residential business planned unit development (R-B PUD) which are adjacent to an R-1 or R-2 district.

Residential single-family and two family uses within the R-B PUD shall be exempt from the requirements of bufferyards.

For purposes of this ordinance adjacent shall mean abutting or across a street or right-of-way.

(c) Determination of bufferyard width.

When a bufferyard is required, the width of the bufferyard shall be equal to or greater than 2.5 (two and one half) times the height of the proposed new building. This buffer width shall be measured from the building wall of the proposed dissimilar use. When calculating this distance, roads shall be considered as follows:

- (1) One-half of the width of a local street may be used to meet the required buffer distance if at least 25 feet of land is owned on both sides of the right-of-way and can meet the other requirements set forth in this ordinance for bufferyard space. In all other cases local streets may not be used to meet the required buffer distance.
- (2) One half of the width of a collector street may be used to meet the requirements of the buffer distance.
- (3) The entire width of an arterial street may be used to meet the requirements of buffer distance.

If the proposed dissimilar use causes significant increased traffic, noise, or light glare to an adjacent residential street or adjacent residential neighborhood, additional bufferyard width, screening, baffling, landscaping, or noise walls, may be required to mitigate the effects of the increased impact on the immediate neighborhood.

- (d) Where required bufferyard width encompasses city owned land, the city may allow the land to be used to fulfill the bufferyard requirements. If city-owned land is used to fulfill bufferyard requirements, the city may require one or more of the following:
- (1) A fee equivalent to the amount of landscaping that would otherwise be required under this ordinance for that portion of land owned by the city.
 - (2) The equivalent amount of landscaping that would otherwise be required under this ordinance for that portion of land owned by the city to be installed at a location deemed appropriate by the city.
 - (3) An increase in the amount of bufferyard on other areas contiguous to the proposed bufferyard, up to an amount equal to the area of city-owned land used for bufferyard. Streets and other rights-of-way may be considered as contiguous buffer areas.

- (e) Reducing bufferyard width requirements.

The bufferyard width requirement may be reduced to a buffer width of two times the building height if the city council finds that the impact of the proposed use on the neighborhood is mitigated by one or more of the following:

- (1) Architectural designs which break structural mass into neighborhood scale, either vertically or horizontally.
- (2) Building materials and/or colors that are consistent with neighborhood structures.
- (3) Roof lines that are consistent with neighborhood roof lines.
- (4) Lighting cast at the property line of residential uses does not exceed three foot candles.

- (f) Accessory uses allowed.

Within required bufferyards the following uses shall be allowed; walks, utilities, essential services, traffic control and regulatory signs, directional and governmental signs, lights, driveways, and canopies.

- (g) Accessory uses prohibited.

Within required bufferyard the following uses shall be specifically prohibited; loading and parking.

(h) Required landscaping.

Where a bufferyard is required, the following minimum landscaping requirements shall apply for every 100 feet, or fraction thereof, of horizontal length of the elevation of the proposed building facing the neighboring use.

- (1) For buildings 30 feet in height and less, three shade trees and three evergreens.
- (2) In addition to (1), for every 10 feet additional building height or fraction thereof one additional shade tree, one additional evergreen tree and one ornamental tree are required.
- (3) In addition to (1) and (2), for each 1,000 square feet of building above grade (except for parking structures), 0.2 additional evergreen tree and 0.2 additional ornamental tree are required.
- (4) For parking structures, square footage shall be calculated as one level per 10 feet above grade. In addition to (1) and (2), for each 1,000 square feet of parking area, 0.2 additional evergreen tree and 0.2 additional ornamental tree are required unless sufficient light screening as determined by the city council is provided in which case this requirement may be reduced to 0.1 additional evergreen tree and 0.1 additional ornamental tree.

(i) Required locations for bufferyard landscaping.

Bufferyard landscaping shall be located in yards along and within the outer perimeter of a lot wherever two dissimilar land uses abut one another. In all instances landscaping and required screening shall be located to screen the neighboring use in the most effective way.

(j) Bufferyard plantings.

Plantings in required bufferyards must meet the following minimum standards at time of planting.

Shade trees	3 inches in diameter
Evergreens	8 feet tall
Ornamentals	1.5 inches in diameter

Plants larger than the required minimum size shown above may be used at the city council's discretion to reduce the required number of plantings by up to 40%.

Species: All trees used shall be indigenous to the appropriate hardiness zone and physical characteristics of the site. All deciduous trees proposed to satisfy the requirements of this ordinance shall be of the long-lived hardwood species.

Walls, berms, and fences may be used to replace 30% of the required number of plantings if the city council finds that such devices are effective in protecting and maintaining the residential character of a neighborhood.

Section 515 - Zoning: residential districts
(R-1, R-2, R-3, R-B, townhouse, cooperative
and condominium development)

515.01. R-1, single family residential district. Subdivision 1. Purpose. A district to provide for low density single family detached residential dwellings and directly related complimentary uses.

Subd. 2. Permitted uses. Permitted uses in an R-1 district are:

- (a) single family detached dwellings;
- (b) public parks and playgrounds;
- (c) essential services;
- (d) licensed day care facilities serving 12 or fewer persons with adequate screening from adjacent uses;
- (e) state licensed residential facilities serving six or fewer persons provided all zoning requirements are met including adequate off-street parking as required by subsection 510.17 and provided there are no other residential facilities within 1,320 feet;
- (f) state licensed nonresidential facilities serving 12 or fewer persons with adequate parking and screening from adjacent uses.

Subd. 3. Permitted accessory uses. Permitted accessory uses in an R-1 district are:

- (a) private garages and car ports as regulated by subsection 510.11 of this code. (Amended, Ord. No. 99-05)
- (b) off-street parking as regulated by subsection 510.17 of this code, for the following:
 - (1) licensed and operable passenger cars or trucks not exceeding a gross weight of 9,000 pounds,
 - (2) licensed and operable recreational vehicles not longer than 30 feet and not higher than 11 feet, provided that:
 - (i) an RV may not be parked within 15 feet of a street curb or surface, nor within a street or alley right-of-way, except for temporary on-street parking in compliance with this code;

- (ii) an RV longer than 22 feet may not be parked in a front yard;
 - (iii) an RV higher than six feet may not be parked within three feet of a side or rear lot line or in a required side yard except corner side yards;
 - (iv) an RV over 22 feet long that is parked in a corner side yard must be parked perpendicular to the side lot line or screened by a six foot high fence or hedge or other landscaping acceptable to the city; (Amended, Ord. No. 99-05)
 - (v) the total area devoted to RV storage shall not exceed 300 square feet on any lot.
- (c) home occupations provided that:
- (1) all activity related to the home occupation is contained within the principal structure and not in an accessory building or garage whether it be attached or detached from the principal structure;
 - (2) only persons residing on the premises shall be employed in the home occupation;
 - (3) there are no internal or external alterations or construction features of the structure not customarily found in dwellings;
 - (4) no physical products or inventory shall be displayed or sold on the premises except such that are incidental to the permitted home occupation, such as hair products sold as part of a haircutting business;
 - (5) there shall be no separate entrance to the space devoted to such occupations on the exterior of the dwelling;
 - (6) there shall be no exterior display, or exterior signs except as allowed in the sign regulations for the zoning district in which such home occupation is located;
 - (7) there shall be no exterior storage of equipment or rubbish or waste generated by or used in the home occupations;
 - (8) all parking associated with the home occupation shall be in conformance with the off-street parking standards of the zoning ordinance, and no more than one commercial vehicle associated with the home occupation is allowed on the site;
 - (9) examples of permissible home occupations include, but are not limited to the following: art studio; business by mail; clothing alterations or repair; computer repair; dressmaking; internet business; professional offices of a clergyman, lawyer, physician, dentist, architect, engineer or accountant, when located in a dwelling unit occupied by the same; and teaching with instruction limited to one pupil at a time;
 - (10) prohibited home occupations shall not include distribution, manufacturing, processing or primarily retail or wholesale businesses, warehousing or storage;

- (11) home occupations shall not include distribution, manufacturing, processing or primarily retail or wholesale businesses, warehousing or storage;
- (12) any activity that may cause glare, smoke, dust or other particulate matter, odors, noise, waste management needs exceeding accepted common residential quantities or other nuisances that may be detrimental to the health, safety or enjoyment of the public are prohibited.

(Added, Ord. No. 16-06)

- (d) non-commercial greenhouses and conservatories;
- (e) swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests. All swimming pools must be fenced in accordance with subsection 510.11, subdivision 4 of this code; (Amended, Ord. No. 99-05)
- (f) tool houses, sheds and similar accessory buildings for storage of domestic supplies and non-commercial recreational equipment, provided that the total area of all accessory structures allowed is in accordance with subsection 510.11 of this code; (Amended, Ord. No. 99-05)
- (g) boarding or renting of rooms to not more than two persons;
- (h) signs and bulletin boards as regulated by section 410 of the city code;
- (i) solar energy devices that are an integral part of the principal structure;
- (j) bingo as an activity related to a civic celebration or by an organization, which conducts four or fewer bingo occasions in a calendar year, subject to approval of city permit.
- (k) satellite dish antennas one meter in diameter or less provided they are not within the front yard setback and provided the top of the dish is no more than five feet above the peak of the roof of the principal building upon which the dish is located. (Added, Ord. No. 10-16)
- (l) food trucks in city parks during park hours subject to the requirements of Section 520.05 Subd. 3(c) and authorization by city council (Added, Ord. 15-09).

Subd. 4. Conditional use. The uses listed in this subdivision, require conditional use permits based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) Residential planned unit development as regulated by subsection 530.05 of this code. (Amended, Ord. No. 97-06)
- (b) Private educational institutions limited to elementary, junior high and senior high schools; colleges or universities; museums; religious institutions such as churches, chapels, temples, and synagogues; and seminaries or monasteries provided that:
 - (1) any such principal building shall be located 30 feet or more from any other lot in a residential district;
 - (2) adequate screening from abutting residential uses and landscaping is provided in compliance with subsection 510.25, subdivision 2 of this code;
 - (3) adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley from the principal use in compliance with subsection 510.17 of this code and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code; (Amended, Ord. No. 97-06)
 - (4) an off-street rider drop-off and pick-up drive is provided;
 - (5) adequate off-street loading and service entrances are provided and regulated where applicable by subsection 510.19 of this code;
 - (6) the site of the principal use and related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated; (Amended, Ord. 97-06)
- (c) Boarding, house or home boarding -foster children provided that:
 - (1) the requirements and conditions of the Minnesota department of public welfare, Public Welfare Manual II 3110 as adopted, amended or changed are satisfactorily met;
 - (2) a written indication of preliminary, pending or final license approval from the regulatory welfare agency is supplied to the city; (Amended, Ord. No. 97-06)
- (d) A second accessory structure on a lot if it contains more than 240 square feet of gross floor area. (Amended, Ord. No. 97-06)
- (e) Solar energy devices not an integral part of the principal structure. (Amended, Ord. No. 97-06)

- (f) Satellite dish antennas exceeding one meter in diameter provided they are located in the rear yard and screened from public view. (Amended, Ord. No. 97-06; Ord. No. 10-16)
- (g) Land reclamation involving 400 cubic yards or more of fill. (Amended, Ord. No. 97-06)
- (h) Licensed day-care facility serving more than 12 persons as an accessory use to a church, provided that:
 - (1) the lot area is double the minimum established for this district;
 - (2) side yards are double the minimum requirement established for this district and are screened in compliance with subsection 510.25, subdivision 2 of this code;
 - (3) an off-street drop-off and pick-up location is provided;
 - (4) the site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;
 - (5) the site shall have an outdoor play area which is adequate in size and in a location which is not disruptive to adjacent permitted uses and which is fenced and screened in compliance with subsection 510.25, subd. 2;
 - (6) the use shall not cause the structure to be in non-compliance with any applicable fire or building code;
 - (7) no addition to the facility shall be constructed to accommodate the use;
 - (8) all provisions of the Minnesota public welfare licensing act, Minnesota Statutes, sections 245.781 to 245.85, as well as all rules or regulations promulgated by the Minnesota commissioner of human services related thereto, are met;
 - (9) a written indication of preliminary, pending or final license approval from the regulatory welfare agency is supplied to the city. (Amended, Ord. No. 97-06)

- (i) recreational vehicles greater than 30 feet in length provided that:
 - (1) the lot is a minimum of 50 feet wide;
 - (2) the RV is positioned and screened in a manner that will minimize the visual impact on adjacent properties; and
 - (3) there is complete compliance with subsection 515.01, Subd. 3(b)(2). (Amended, Ord. No. 97-06, Ord. No. 13-03)

- (j) egress window well walls closer than 1.5 feet of a side lot line provided that:
 - (1) egress window wells shall not obstruct drainage patterns nor cause stormwater to drain onto adjoining properties.
 - (2) approval of the City Engineer is required to ensure that drainage is directed away from the house and does not impact adjacent property. (Added, Ord. No. 10-10, Sec. 2)

- (k) Agriculture provided that:
 - (1) Tools, equipment and materials related to the use must be stored within an enclosed structure subject to subsection 510.11.
 - (2) Non-retail commercial greenhouses are subject to the following yard setbacks:
 - (a) Front yard depth: not less than 30 feet.
 - (b) In a block where a lot fronts on a side street next to a lot which has its side facing the same side street, the setback on each lot shall be 15 feet from the side street (right-of-way).
 - (c) Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback exceed 30 feet.
 - (d) Side yard width and rear yard depth: 5 feet.
 - (3) Farm or other animals are prohibited except in accordance with Section 915.
 - (4) Retail sales are prohibited. (Added, Ord. No. 15-06)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in an R-1 district subject to additional requirements, exceptions and modifications set forth in this and other sections of this code:

- (a) lot area: 6,000 square feet.
- (b) lot width: 50 feet.
- (c) setbacks:
 - (1) front yard depth:
 - (i) not less than 30 feet. However, a one story covered porch may be up 24 feet from the front property line; (Amended, Ord. No. 03-33)
 - (ii) in a block where a lot fronts on a side street next to a lot which has its side facing the same side street, the setback on each lot shall be 15 feet from the side street (right-of--way);
 - (iii) where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback exceed 30 feet.
 - (2) side yard width:
 - (i) five feet;
 - (ii) side yards abutting a public right-of-way (street) shall not be less than 15 feet from the right-of-way except in the case of 40 foot lots the side yard may be reduced to not less than five feet from the right-of-way;
 - (iii) a side yard that contains a driveway shall be at least 15 feet on houses constructed after April 2, 1991 or an unobstructed 10 feet on houses constructed prior to that date. (Amended, Ord. No. 91-03, Sec. 1)
 - (3) rear yard depth:
 - (i) 20 percent of lot depth.

Subd. 6. Building requirements.

- (a) Height: No structure shall exceed three stories or 30 feet in height, except as provided in subsection 510.15, subdivision 1 of this code.
- (b) Minimum floor area per dwelling unit:
 - (1) one bedroom: 720 square feet;
 - (2) two bedroom: 820 square feet;
 - (3) three bedroom: 920 square feet;
 - (4) four bedroom: 1,050 square feet.
- (c) Minimum lot area per dwelling unit: 6,000 square feet.

515.03. R-2, single and two-family residential district. Subdivision 1. Purpose. A district to provide for low to medium density one and two unit and townhouse dwellings and directly related complimentary uses.

Subd. 2. Permitted uses: Permitted uses in an R-2 district are:

- (a) All permitted uses allowed in an R-1 district except as hereinafter modified;
- (b) Townhouse developments for which a conditional use permit was granted prior to August 23, 1986.

Subd. 3. Permitted accessory uses. Permitted accessory uses in an R-2 district are:

- (a) All accessory uses as allowed in an R-1 district.

Subd. 4. Conditional uses. The uses listed in this subdivision requires a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) All conditional uses subject to the same conditions as allowed in an R-1 district except: 515.01, subdivision 4(b) and as hereinafter modified. (Amended, Ord. No. 10-17)
- (b) Nursing homes provided that:
 - (1) side yards are double the minimum requirement established for this district and are screened in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the lot area is double the minimum established for this district;
 - (3) the front yard depth shall be a minimum of 35 feet;
 - (4) an off-street rider drop-off and pick-up drive is provided;
 - (5) adequate off-street parking and access is provided in compliance with subsection 510.17 of this code;
 - (6) adequate off-street loading and service entrances are provided in compliance with subsection 510.19 of this code;
 - (7) the site and related parking and service shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (8) all signing and informational or visual communication devices shall be in compliance with the section 410 of the city code and shall not impact surrounding and abutting residential;
- (c) Licensed day care refers to a facility serving more than 12 persons provided that:
 - (1) side yards are double the minimum requirement established for this district and are screened in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the lot area is double the minimum established for this district;

- (3) only the rear yard shall be used for a play area. It shall be fenced and screened in compliance with subsection 510.25, subdivision 2 of this code;
 - (4) an off-street rider drop-off and pick-up shall be provided;
 - (5) the site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;
 - (6) all provisions of the Minnesota public welfare licensing act, Minnesota Statutes, section 245.781 to 245.85, as amended as well as all rules or regulations promulgated by the Minnesota commissioner of human services related thereto, are met;
 - (7) a written indication of preliminary pending or final license approval from the regulatory welfare agency is supplied to the city.
- (d) Two-family dwellings provided that:
- (1) the minimum required lot width and square footage are met;
 - (2) the driveway is hard surfaced;
 - (3) the property has adequate off-street parking;
 - (4) that all garage doors be equipped with automatic door openers operable by remote control.
- (e) Existing two-family dwellings may be converted to condominiums, cooperatives or townhouses as regulated by subsection 530.05 of this code. (Added, Ord. No. 96-02)
- (i) not less than 30 feet;

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in an R-2 district subject to additional requirements, exceptions and modifications set forth in this code:

- (a) Lot area: 6,000 square feet, except as otherwise provided in this subsection.
- (b) Lot width:
 - (1) single family dwelling unit: 50 feet, except as otherwise provided in this section;
 - (2) two-family dwelling unit: 60 feet except as otherwise provided in this section.
- (c) Setbacks:
 - (1) front yard depth:
 - (ii) in a block where a lot fronts on a side street next to a lot which has its side facing the same street, the setback on each lot shall be 15 feet from the side street (right-of-way);
 - (iii) Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback exceed 30 feet.
 - (2) side yard width:
 - (i) five feet, except as provided in subsection 515.03, subd. 5(c)(2)(iv) of this code;
 - (ii) side yards abutting a public right-of-way shall not be less than 15 feet from the right-of-way except in the case of 40 foot lots, the side yard may be reduced to no less than five feet from the right-of-way;
 - (iii) a side yard that contains a driveway must be at least 15 feet on houses constructed after April 2, 1991 or an unobstructed ten feet on houses constructed prior to that date; (Amended, Ord. No. 91-03, Sec. 2)
 - (iv) in the case of two-family, double bungalow dwellings, zero side yard setbacks shall be permitted on the common boundary line, if each portion of the double bungalow sits on its own lot which is at least 40 feet wide and consists of at least 4,840 square feet. Such zero side yard setbacks are only permissible when separate sanitary sewer and water service is provide to each unit of the double bungalow.

- (3) rear yard depth:
 - (i) 20% lot depth.

Subd. 6. Building requirements:

- (a) Height: No structure shall exceed three stories or 30 feet in height, except as provided in subsection 510.15, subdivision 1 of this code.
- (b) Minimum floor area per dwelling unit:

<u>Unit Size</u>	<u>Single Family Unit</u>	<u>Two Family Unit</u>	<u>Townhouse</u>
(1) One bedroom	720 sq. ft.	600 sq. ft.	720 sq. ft.
(2) Two bedroom	820 sq. ft.	800 sq. ft.	820 sq. ft.
(3) Three bedroom	920 sq. ft.	900 sq. ft.	920 sq. ft.
(4) Four bedroom	1050 sq. ft.	1000 sq. ft.	1050 sq. ft.
(5) Add 120 square feet for each additional bedroom			

- (c) Minimum lot area per dwelling unit:
 - (1) Single family: 6000 sq. ft.
 - (2) Townhouse: 4200 sq. ft.
 - (3) Two-family: 3750 sq. ft.

515.05. R-3, medium density residential district. Subdivision 1. Purpose. A district to provide for medium density housing in one, two and multiple dwelling unit structures and townhouses and directly related complimentary uses.

Subd. 2. Permitted uses. Permitted uses in an R-3 district are:

- (a) all permitted uses allowed in an R-2 district except as hereinafter modified;
- (b) two-family dwellings.

Subd. 3. Permitted accessory uses. Permitted accessory uses in an R-3 district are:

- (a) all accessory uses, structures, and buildings pertaining to single and two-family units in the R-3 zoning district are subject to subsection 510.11 of this code. (Amended, Ord. No. 99-05)
- (b) parking garage and garage structures of adequate size to handle the required parking for the principal use. The parking requirements shall be satisfied by the combination of garage and unenclosed spaces; (Added, Ord. No. 99-05)
- (c) maintenance, management or recreational buildings incidental to the principal use; (Added, Ord. No. 99-05)
- (d) privately owned recreational facilities including swimming pools and tennis courts, intended solely for the enjoyment and convenience of the residents of the principal use and their guests; (Added, Ord. No. 99-05)
- (e) accessory uses for tenants provided they are intended for only the residents of the principal use and their guests and have no advertising or display visible from the outside of the building. Not more than 10% of the gross floor area of a structure may be devoted to these accessory uses. (Added, Ord. No. 99-05)

Subd. 4. Conditional uses. The uses listed in this subdivision require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) All conditional uses, subject to the same conditions as allowed in an R-2 district except as hereinafter modified.
- (b) Multiple dwelling units provided that:
 - (1) there is adequate off-street parking in compliance with subsection 510.17 of this code;
 - (2) parking areas are screened and landscaped from abutting and surrounding residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (3) the site of the principal use and its related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (4) all signing and informational or visual communication devices shall be in compliance with section 410 of the city code and shall not impact surrounding and abutting residential uses;
 - (5) the grades and topography of the site shall not restrict the use of yards and open space;
 - (6) each multiple unit dwelling site shall contain at least 300square feet of usable open space as defined in subsection 505.09, subdivision 110 of this code for each dwelling unit contained thereon;

- (c) Boarding houses and rooming houses provided that:
 - (1) there is adequate off-street parking in compliance with subsection 510.17 of this code;
 - (2) parking areas contain five or more spaces screened and landscaped from abutting and surrounding residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (3) the site of the principal use and its related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (4) the grades and topography of the site shall not restrict use of yards and open space;
- (d) Senior housing, provided that:
 - (1) parking areas are screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the site of the principal use and its related parking is served by an arterial or collector street;
 - (3) usable open space as defined in subsection 505.09, subdivision 110 of this code at a minimum is equal to 20 percent of the gross lot area;
 - (4) the site of the principal use is served or is located within 400 feet of regular transit service;
 - (5) the site of the principal use is within 400 feet of commercial shopping development or adequate provision for access to such facilities is provided;
 - (6) the requirements of subsection 505.09, subdivision 40 are satisfied.

- (e) Handicap housing provided that:
 - (1) parking areas are screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the site of the principal use and its related parking is served by an arterial or collector street;
 - (3) usable open space as defined in subsection 505.09, subdivision 110 of this code at a minimum is equal to 20% of the gross lot area;
 - (4) the site of the principal use is served or is located within 400 feet of regular transit service;
 - (5) the site of the principal use is within 400 feet of commercial shopping development or adequate provision for access to such facilities is provided;
 - (6) the housing development is operated in compliance with subsection 505.09, subdivision 58.
- (f) State licensed residential facilities serving seven to 16 persons.
- (g) State licensed nonresidential facilities serving 13 to 16 persons.
- (h) Telecommunications facilities located on antenna support structures provided they comply with section 720 of the Robbinsdale city code. (Added, Ord. No. 97-06)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in an R-3 district subject to additional requirements, exceptions and modifications set forth in this and other sections of this code.

- (a) Lot area: 6,000 square feet, except as otherwise provided in this section.
- (b) Lot width:
 - (1) single family dwelling unit: 50 feet;
 - (2) two-family dwelling unit: 60 feet except as otherwise provided in this subsection;
 - (3) multi-family or townhouse dwelling unit: 60 feet.
- (c) Setbacks:
 - (1) Front yards:
 - (i) not less than 30 feet;
 - (ii) in a block where a lot fronts on a side street next to a lot which has its side facing the same side street, the setback on each lot shall be 15 feet from the side street (right-of-way);
 - (iii) where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum set back shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the setback of the adjacent structure. In no case shall the minimum front yard setback exceed 30 feet.

- (2) Side yards:
- (i) five feet except as provided in subsection 515.05, subdivision 5(c)(2)(v) of this code;
 - (ii) a side yard abutting a public right-of-way (street) shall not be less than 15 feet from the right-of-way except in the case of 40 foot lots, the side yard may be reduced to not less than five feet from the right-of-way;
 - (iii) side yards of one and two family dwellings which contain a private driveway shall be a minimum of ten feet;
 - (iv) side yards which contain a private driveway for uses other than single or two family dwellings shall be a minimum of 15 feet if there is one-way traffic movement and 20 feet if there is two-way traffic movement and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code;
 - (v) in the case of two-family, double bungalow dwellings, zero side yard setbacks shall be permitted on the common boundary line, if each portion of the double bungalow sits on its own lot which is at least 40 feet wide and consists of at least 4,840 square feet. Such zero side yard setbacks are only permissible when separate sanitary sewer and water service is provided to each unit of the double bungalow.
- (3) Rear yards: 20% of lot depth.

Subd. 6. Building requirements:

- (a) Height: no structure shall exceed three stories or 30 feet in height, whichever is less, except as provided in subsection 510.15, subdivision 1 of this code.
- (b) Minimum floor area per dwelling unit:

TYPE	SINGLE FAMILY UNIT	TWO FAMILY UNIT	TOWNHOUSE UNIT	MULTI-FAMILY UNIT
(1) efficiency apt.				440 sq. ft.
(2) one bedroom	720 sq. ft.	600 sq. ft.	720 sq. ft.	520 sq. ft.
(3) two bedroom	820 sq. ft.	800 sq. ft.	820 sq. ft.	750 sq. ft.
(4) three bedroom	920 sq. ft.	900 sq. ft.	920 sq. ft.	850 sq. ft.
(5) four bedroom	1050 sq. ft.	1000 sq. ft.	1050 sq. ft.	1000 sq. ft.
(6) add 120 sq. ft. for each additional bedroom.				
(7) except for senior and handicap housing, efficiency apartments shall not exceed 10% of the total apartments in a structure. (Amended, Ord. No. 08-02)				

- (c) Minimum lot area per dwelling unit:

(1) single family:	6000 square feet
(2) townhouse:	4200 square feet
(3) two-family	3750 square feet
(4) multi-family (three story or less):	1500 square feet
(5) multi-family senior and handicap housing (three story or less)	500 square feet
(Amended, Ord. No. 08-02)	

- (d) Usable open space: except for senior and handicap housing, each multiple family dwelling site shall contain at least 300 square feet of usable open space, as defined in this code, for each dwelling unit contained thereon. (Amended, Ord. No. 08-02)

515.07. R-B residential-business district. Subdivision 1. Purpose. A district to provide for the transition in land use from residential to business and to allow for the intermixing of high density residential and office use. (Amended, Ord. No. 10-18)

Subd. 2. Permitted uses. Permitted uses in an R-B district are:

- (a) multiple family dwellings;
- (b) public and non-profit organizational, recreational and social facilities;
- (c) governmentally-owned open parking lots and parking ramps.

Subd. 3. Permitted accessory uses. Permitted accessory uses in an R-B district are:

- (a) all accessory uses which are allowed in an R-3 district except as hereinafter modified;
- (b) off-street parking but not including semi-truck tractors or trailers;
- (c) off-street loading.
- (d) therapeutic massage services provided in a hospital available only to hospital employees and patients receiving care provided said services are under the supervision of a physician at the hospital and in conformance with Section 613 of the City Code. (Added, Ord. No. 11-03)

Subd. 4. Conditional uses. The uses listed in this subdivision require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) All those conditional uses, subject to the same conditions as allowed in an R-3 district, except as hereinafter modified.
- (b) One and two-family dwellings and townhouses provided that:
 - (1) development is compatible with existing and planned use of the area and does not create conflicts with higher uses or endanger or impair, or both, the residents and their use of one and two-family dwellings and townhouses;
 - (2) the grades, topography, drainage or character of the developed lot shall not unreasonably restrict the amount of usable open space or create a hazard;
 - (3) a safe and direct access is available to parks and public open space;
 - (4) the lot requirements and setbacks outlined in subsection 515.05, subdivision 5 of this code and building requirements outlined in subsection 515.05, subdivision 6 of this code are satisfactorily met;

- (c) Hospitals, medical offices and clinics, dental offices and clinics, professional offices, commercial leased offices, counseling or training services, real estate agencies, and funeral homes and mortuaries provided that: (Amended, Ord. No. 07-06)
- (1) the site and related parking and service entrances are served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (2) an off-street rider drop-off and pick-up drive and entrance is provided;
 - (3) adequate off-street parking is provided in compliance with subsection 510.17 of this code;
 - (4) adequate off-street loading is provided in compliance with subsection 510.19 of this code;
 - (5) vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement;
 - (6) when abutting an R-1 or R-2 district a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided; and (Amended, Ord. No. 07-06)
 - (7) all signing and information or visual communication devices shall be in compliance with section 410 of the city code and shall not impact surrounding or abutting residential uses;

- (d) Retail commercial activity provided that:
 - (1) merchandise is sold at retail and is directly related to the principal use or is provided for the comfort and convenience of those using the principal use or activity;
 - (2) the retail activity is located within a structure whose principal use is not commercial sales;
 - (3) the retail activity shall not occupy more than 15% of the gross floor area of the building;
 - (4) no directly or indirectly illuminated sign or sign in excess of ten square feet identifying the name of the business shall be visible from the outside of the building;
 - (5) no signs or posters of any type advertising products for sale shall be visible from the outside of the building;

- (e) Privately owned parking ramps as a principal or accessory use and privately owned open parking lots as a principal use, provided that:
 - (1) access is from and onto a collector or arterial street;
 - (2) entrances and exists create a minimum of conflict with through traffic movement;
 - (3) sufficient magazine space is provided in the structure or on the site to minimize or eliminate the blocking of traffic in the public right-of-way;
 - (4) parking spaces and aisle and driveways shall be developed in compliance with subsection 510.17 of this code and are subject to the review and approval of the city engineer or city planner, or both.
 - (5) the location is at least 60 feet from the boundary of an R-1 or R-2 residential district;
 - (6) the lot area is double the minimum established for this district;

- (7) when abutting an R-2 or R-2 district a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided;
 - (8) when abutting a residential use which is not related to the parking ramp or open parking lot, a setback of at least 30 feet shall be provided from the property line and this area shall be maintained as open space and screening and landscaping shall be provided in compliance with subsection 510.25, subdivision 2 of this code;
 - (9) all signing and informational or visual communication devices shall be in compliance with subsection 410 of the city code and shall not impact surrounding or abutting residential uses;
- (f) Buildings combining R-B conditional uses and residential uses provided that:
- (1) the residential and non-residential uses shall not conflict in any manner;
 - (2) the residential building standards as outlined in subsection 515.07 of this code are met;
- (g) Buildings in excess of three stories or 40 feet provided that:
- (1) the site is capable of accommodating the increased intensity of use;
 - (2) the increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets;
 - (3) public utilities and services are adequate;
 - (4) except for senior public housing for each additional story over three stories or for each additional ten feet above 40 feet, front and side yard setback requirements shall be increased by five feet; (Amended, Ord. No. 08-02)
- (h) Senior housing provided that:
- (1) parking areas are screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the site of the principal use and its related parking is served by an arterial or collector street;
 - (3) usable open space as defined in subsection 505.09, subdivision 110 of this code at a minimum is equal to 20% of the gross lot area;

- (4) the site of the principal use is served or is located within 400 feet of regular transit service;
 - (5) the site of the principal use is within 400 feet of commercial shopping development or adequate provision for access to such facilities is provided.
- (i) Handicap housing provided that:
- (1) parking areas are screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) the site of the principal use and its related parking is served by an arterial or collector street;
 - (3) usable open space as defined in subsection 505.09, subdivision 110 of this code at a minimum is equal to 20% of the gross lot area;
 - (4) the site of the principal use is served or is located within 400 feet of regular transit service;
 - (5) the site of the principal use is within 400 feet of commercial shopping development or adequate provision for access to such facilities is provided;
 - (6) the housing development is operated in compliance with subsection 510.09, subdivision 58.
- (j) Apartment density bonus: Except for senior housing, a maximum 25 percent reduction in square feet of lot area per unit as required in subsection 515.07, subdivision 6(c)(1) of this code based upon the following bonus features and square foot reduction factors. (Amended, Ord. No. 08-02)

	Square Foot Reduction
(1) Exceptional site design: a deduction in site area requirement will be permitted for exceptional site design. The amount of that reduction will be recommended by an architectural review board comprised of professional architects, city staff, or both, if a professional board cannot be assembled. The elements of site design to be considered towards obtaining maximum reductions are as noted below:	up to 150 sq. ft.

- (i) separation of pedestrian and vehicular traffic;
 - (ii) development of landscaped berms between areas of conflicting activities (for example, play areas vs. parking or private parties vs. joint recreational areas);
 - (iii) development of dense hedges as screening elements;
 - (iv) extensive use of large caliper trees and shrubs of both coniferous and deciduous species to enhance the appearance of buildings and grounds and to control erosion;
 - (v) preservation of existing trees and shrubs;
 - (vi) extensive development of free exterior recreational facilities of both passive and active nature, in such a manner that such areas are easily accessible but present no conflict in use for example, walkways, Structures, tennis courts, pools, waterways, docking facilities;
 - (vii) site lighting of drives, parking, walks, steps, and other facilities;
 - (viii) immediate access to public open spaces and provision for maintenance of that access, for example, school playgrounds, public parks, public beaches;
 - (ix) properly located screened garbage and refuse storage areas of a permanent nature, for example, stone, wood, or block;
 - (x) appropriateness of site elevations and gradients to building: design, land improvements, drainage and safe, easy circulation by occupants.
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|-----|---|-------------|
| (2) | Two-thirds of the required fee free parking is provided underground or within the principal structure (not including attached or detached garages). | 150 sq. ft. |
| (3) | Type two construction. | 150 sq. ft. |
| (4) | Elevator serving each floor. | 100 sq. ft. |
| (5) | Transit service available within 300 feet of entrance, via direct public access. | 75 sq. ft. |
| (6) | Indoor or outdoor recreation facilities, or both, equal to 25 square feet per unit or 750 square feet total, whichever is greater. | 75 sq. ft. |

- (7) The provisions of subsection 535.01 of this code are considered and satisfactorily met.
- (k) Residential/business planned unit development. (Added, Ord. No. 93-02)
- (l) Hospitality houses accessory to and adjacent to a Level-One Trauma Center hospital provided that:
 - (1) Off-street parking shall be provided to serve the guest rooms with a minimum of one space per room in accordance with the standards of section 510.17 (parking).
 - (2) Parking areas shall be screened and landscaped from view of surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code.
 - (3) When abutting an R-1 or R-2 district, a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided. (Added, Ord. No. 07-15)
- (m) Private educational institutions limited to elementary, junior high and senior high schools; colleges or universities; museums; religious institutions such as churches, chapels, temples, and synagogues; and seminaries or monasteries provided that: (Added, Ord. No. 10-18)
 - (1) any such principal building shall be located 30 feet or more from any other lot in residential district; (Added, Ord. No. 10-18)
 - (2) adequate screening from abutting residential uses and landscaping is provided in compliance with subsection 510.25, subdivision 2 of this code; (Added, Ord. No. 10-18)
 - (3) adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley from the principal use in compliance with subsection 510.17 of this code and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code; (Added, Ord. No. 10-18)
 - (4) an off-street rider drop-off and pick-up drive is provided; (Added, Ord. No. 10-18)
 - (5) adequate off-street loading and service entrances are provided and regulated where applicable by subsection 510.19 of this code; (Added, Ord. No. 10-18)
 - (6) the site of the principal use and related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated. (Added, Ord. No. 10-18)

- (n) Art studios where art is produced and displayed provided that:
 - (1) The site faces or fronts on an arterial or collector street with access approved by the City Engineer if vehicular access is to an alley;
 - (2) The site shall have adequate off-street parking based upon one space per 200 gross square feet and shall be screened in accordance with Section 510.25;
 - (3) Events or showings shall be concluded by 10 p.m. on weeknights.
 - (4) Limited display of artwork such as statues may be permitted provided that:
 - (a) retail sales of artwork is prohibited in front yards;
 - (b) a plan for exterior display is approved by the Community Development Coordinator to ensure appropriateness for the character of the neighborhood;
 - (5) The Site shall be reviewed after one year for compliance with the conditions.

(Added, Ord. No. 13-05)

- (o) Supportive housing with services offering a range of options from independent living, assisted living and residential hospice provided that:
 - (1) The site and related parking and service entrances are serviced by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (2) An off-street rider dropp-off and pick-up drive and entrances is provided which may be combined with required parking
 - (3) Adequate off-street parking is provided at a minimum of one half space per dwelling unit;
 - (4) When abutting an R-1 or R-2 district a buffer area with screening and landscaping in compliance with subsection 510.25, Subd. 2 of this code shall be provided;
 - (5) Rooms dedicated for community, meetings, recreation and/or social activities for the residents may substitute for required useable open space.

Added Ord. No. 13-07)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in an R-B district subject to additional requirements, exceptions and modifications set forth in this code.

- (a) Lot area: 6,000 square feet.
- (b) Lot width:
 - (1) single family dwelling unit: 50 feet;
 - (2) two-family dwelling unit: 60 feet;
 - (3) multiple family or townhouse dwelling unit: 60 feet;
 - (4) other R-B permitted uses: 50 feet;
 - (5) R-B conditional uses: the least restrictive lot width requirement where the use is permitted.
- (c) Setbacks:
 - (1) Front yards:
 - (i) not less than 25 feet;
 - (ii) in a block where a lot fronts on a side street next to a lot which has its side facing the same street, the setback on each lot shall be 15 feet from the side street (right-of-way);
 - (iii) where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback exceed 30 feet.
 - (2) Side yards: 10 feet, except:
 - (i) a side yard abutting a public right-of-way (street) shall be not less than 15 feet from the right-of-way except in the case of 40 foot lots, the side yard may be reduced to less than five feet from the right-of-way;
 - (ii) a side yard which contains a private drive with one-way traffic movement shall be 15 feet or with two-way traffic movement shall be 20 feet;
 - (iii) side yard which abuts an R-1 or R-2 district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

- (3) Rear yard: 20% of lot depth and if abutting an R-1 or R-2 district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 6. Building requirements.

- (a) Height: No structure shall exceed three stories or 40 feet in height except as provided in subsections 510.15, subdivision 1 and 515.07, subdivision 4(g) of this code.

- (b) Minimum floor area per dwelling unit:

UNIT SIZE	MULTI-FAMILY UNIT
(1) efficiency apt.	440 sq. ft.
(2) one bedroom	520 sq. ft.
(3) two bedroom	750 sq. ft.
(4) three bedroom	850 sq. ft.
(5) four bedroom	1000 sq. ft.
(6) add 120 square feet for each additional bedroom.	
(7) Except for senior and handicap housing, efficiency apartments shall not exceed 10% of the total apartments in a structure. (Amended, Ord. No. 08-02)	

- (c) Minimum lot area per dwelling unit:

- (1) Multiple family:
 - (a) three stories or less: 1500 sq. ft.
 - (b) four stories: 1400 sq. ft.
 - (c) five stories: 1300 sq. ft.
 - (d) six stories: 1200 sq. ft.
- (2) Multi-family - senior and handicap housing = 500 square feet. (Amended, Ord. No. 08-02)

- (d) Usable open space: Except for senior and handicap housing, each multiple family dwelling site shall contain at least 300 square feet of usable open space as defined by this code for each dwelling unit contained thereon. (Amended, Ord. No. 08-02)

515.09. Townhouse, cooperative, condominium development. Subdivision 1. Purpose and intent. The purpose of this subsection is to provide for and encourage advances in housing design, changes in types of dwellings, more flexibility in layout and site planning, and the efficient use and conservation of land and open space.

Subd. 2. Property control.

- (a) In order that the purposes of this subsection may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this code.
- (b) Prior to the use or occupancy or sale or execution of contracts for sale of an individual condominium or cooperative unit, apartment, townhouse, parcel, tract or common area, or combination thereof, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Laws of Minnesota 1963, chapter 457, section 11 and a set of floor plans such as specified by Laws of Minnesota 1953, chapter 457, section 13 shall be filed with the city, said filing with the city to be made prior to the filings of said declaration or document or floor plans with the recording officers of Hennepin County, Minnesota.
- (c) Approval of the city shall be secured as to the documents described in paragraph (b) above.
- (d) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting units, parcel, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
- (e) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the city attorney. The intent of this subsection is to protect the property value of the individual owner.

- (f) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with then applicable rules and regulations of the city or fails to pay taxes or assessments on properties as they become due and in the event the said incurs any expenses in enforcing its rules and regulations which said expenses are not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of said expenses.

Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such costs of collection thereof, shall also, be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.

Subd. 3. Procedures for application, review and approval.

- (a) An application for a conditional use permit shall be filed and processed based upon procedures established by subsection 535.01 of this code.
- (b) Preliminary development plan. The conditional use permit application shall be accompanied by a preliminary development plan drawn to a scale of not more than 50 feet per inch, showing the following:
- (1) General area-wide development (general outline of the site and surrounding area).
 - (i) uses;
 - (ii) zoning;
 - (iii) streets;
 - (iv) grades and topography;
 - (v) densities.

- (2) Specific site plan.
- (i) the entire outline, overall dimensions and area of the tract described in the application;
 - (ii) the use, zoning and ownership of all adjacent properties within 100 feet of the tract boundaries including the location of all structures thereon and the right-of-way width and traveled width of all adjacent public roadways;
 - (iii) the existing and proposed topography of the tract with contour intervals not greater than five feet;
 - (iv) the location, general exterior dimensions, and approximate gross floor areas of all proposed buildings;
 - (v) the proposed location, arrangement and number of automobile parking stalls;
 - (vi) the location and dimensions of all vehicular entrances, exits and driveways and their relationship to all existing or proposed public streets;
 - (vii) the location and dimensions of pedestrian entrances, exits, and walks;
 - (viii) the general drainage system;
 - (ix) the location and dimensions of all walls, fences, and plantings designed to screen the proposed district from adjacent uses;
 - (x) the types of all ground covers;
 - (xi) standards for exterior finish, exterior lighting, location and type of exterior signs, architectural style, and any other variables which will be controlled in the design of buildings in the development area.
- (c) Development schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed townhouses, cooperatives or condominiums is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and completion date of the complete development plan.

- (d) Review and evaluation criteria. The evaluation of the proposed plan and development shall include but not be limited to the following criteria:
- (1) adequate property control is provided to protect the individual owners' rights and property values and the public responsibility for maintenance and upkeep;
 - (2) the interior circulation plan plus access from and onto public right-of-ways does not create congestion or dangers and is adequate for the safety of the project, residents, and general public;
 - (3) a sufficient amount of usable open space is provided;
 - (4) the arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses;
 - (5) the architectural design of the project is compatible with the surrounding area;
 - (6) the drainage and utility system plans submitted to the city engineer for his comments and the final drainage and utility plans must have his approval;
 - (7) the development schedule insures a logical development of the site which will protect the public interest and conserve land;
 - (8) minimum lot frontage shall be not less than 20 feet;
 - (9) dwelling unit and accessory use requirements are in compliance with the zoning district provisions in which the development is planned;
- (e) Council action.
- (1) If the council finds that the preliminary development plan meets all of the requirements, the council shall approve the same as the final development plan and the applicant's conditional use permit shall be approved and granted.
 - (2) If the council finds that the preliminary development plan contains conditions that must be amended, they shall return said application, together with a statement of the necessary changes and upon receipt of an amended, altered, and changed plan meeting the requirements of the city council, the council shall approve said plan as the final development plan and thereupon the applicant shall be eligible to obtain the necessary building permits.
 - (3) The final development plan, together with such covenants, deed restrictions, reservations, controls, or variances as a part thereof, shall become a part of the official file of the city.

Section 517 - P Zoning district regulations
(Added, Ord. No. 97-06, Sec. 1)

517.01. P, Public facilities district. Subdivision 1. Purpose. A district to provide for public buildings, facilities, land areas, waterways and water areas which are owned, controlled, regulated, used or proposed to be used by the city of Robbinsdale or other governmental body. The district will also provide for telecommunications towers and facilities.

Subd. 2. Permitted uses. The following are permitted uses in P districts:

- (a) Public parks, playgrounds, and athletic fields. (Amended, Ord. No. 00-08)
- (b) Municipal utilities including water storage, storm water ponding, treatment and sewer, water and pumping facilities. (Amended, Ord. No. 00-08)
- (c) Municipal buildings and structures, provided there is adequate screening from adjacent uses. (Amended, Ord. No. 00-08)

Subd. 3. Permitted accessory uses. The following are accessory uses in P districts:

- (a) Telecommunications facilities on an antennae support structure provided they comply with section 720 of the city code.
- (b) Solar energy devices as an integral part of the principal structure.
- (c) Off-street parking and loading as provided for by sections 510.17 and 510.19, but not including park and ride or parking ramps. (Added, Ord. No. 00-08)

Subd. 4. Conditional uses. The following are uses permitted with a conditional use permit in P districts:

- (a) Non-municipal public or semi-public recreational buildings and neighborhood or community centers; public educational institutions limited to K-12 school, colleges or universities; and museums provided that: (Amended, Ord. No. 00-08)
 - (1) any such principal building shall be located 30 feet or more from any other lot in a residential district;
 - (2) adequate screening from abutting residential uses and landscaping is provided in compliance with subsection 510.25, subdivision 2 of this code;

- (3) adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley from the principal use in compliance with subsection 510.17 of this code and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (4) an off-street rider drop-off and pick-up drive is provided;
 - (5) adequate off-street loading and service entrances are provided and regulated where applicable by subsection 510.19 of this code;
 - (6) the site of the principal use and related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (7) there is no outside storage of any materials or equipment unless allowed by conditional use; (Added, Ord. No. 00-08)
 - (8) not more than 120% of required parking for principal use unless allowed by conditional use. (Added, Ord. No. 00-08)
- (b) Use of a public school facility for any of the following uses: (Amended, Ord. No. 12-11)
- (1) administrative offices by any public or nonprofit organization; counseling or training services; community education instruction; instruction in music, art, dance, language, self-improvement or business vocation; or places of assembly such as religious institutions or community group productions, provided that: (Amended, Ord. No. 00-08, Ord. No. 12-11)
 - (i) the facility has adequate parking to accommodate demand in conformance with Section 510.17, taking into account the days and hours of operation and the parking needs of other users of the facility; (Amended, Ord. No. 12-11)
 - (ii) off-site impacts due to noise, light, odor, vibration or other similar matters will not be disruptive to nearby permitted uses;
 - (iii) the use shall not cause the structure to be in non-compliance with any applicable fire or building code;
 - (iv) no addition to the facility shall be constructed to accommodate the use.

- (2) licensed day care facilities serving more than 12 persons at one time, provided that: (Amended, Ord. No. 00-08)
 - (i) all provisions of the Minnesota public welfare licensing act, Minnesota Statutes, sections 245.781 to 245.85, as well as all rules or regulations related thereto, promulgated by the Minnesota commissioner of human services are met;
 - (ii) a written indication of preliminary, pending or final license approval from the regulatory welfare agency is supplied to the city;
 - (iii) an off-street drop-off and pick-up location is provided;
 - (iv) the site shall have an outdoor play area which is adequate in size and in a location which is not disruptive to adjacent permitted uses;
 - (v) the use shall not cause the structure to be in non-compliance with any applicable fire or building code;
 - (vi) no addition to the facility shall be constructed to accommodate the use.
- (3) Office, processing, assembly or manufacturing for small for-profit businesses, not including retail sales, provided that:
 - (i) no business shall occupy more than 2,000 square feet of space and the total space occupied by all small businesses shall not exceed 20% of the gross floor area of the facility;
 - (ii) hours of operation shall be limited to not longer than 6:00 a.m. to 5:00 p.m., Monday through Friday;
 - (iii) there shall be no use of semi-trucks in connection with the business; (Amended, Ord. No. 00-08)
 - (iv) the facility shall have adequate parking without the need to expand the existing parking area;
 - (v) there shall be no noise, dust, odor, sound, vibration, or other environment effect caused by the business which is disruptive to adjacent permitted uses;
 - (vi) the use shall not cause the structure to be in non-compliance with any applicable fire or building code;
 - (vii) no addition to the facility shall be constructed to accommodate the use.

- (c) Utility company transformers, pumping stations and substations subject to the following minimum requirements; (Amended, Ord. No. 00-08)
 - (1) They must conform to neighborhood setbacks, open spaces and design;
 - (2) They must be screened from adjacent districts by solid fencing or appropriate landscaping as approved by the zoning administrator;
- (d) Wind generators and other tower mounted energy devices exceeding a height of 20 feet above the structure roof.
- (e) Solar energy devices NOT an integral part of the principal structure.
- (f) Telecommunications tower provided that:
 - (1) the tower conforms with section 720 of the city code.
 - (2) it is determined that tower will not unreasonably adversely impact a unique recreational area.
 - (3) it is determined that tower will not unreasonably adversely impact an identified economic development area.
- (g) Off-street parking in excess of 125% of the minimum specified in subdivision 517.07. (Added, Ord. No. 00-08)
- (h) Open or outdoor storage accessory to permitted or conditional uses provided it complies with the standards set forth in section 520.05, subdivision 4(e). (Added, Ord. No. 00-08)

Subd. 5. Additional restrictions. For uses, other than permitted uses, requirements as to lot size, setbacks, building, parking, landscaping, screening, etc., shall be at least comparable to similar uses in other districts, but also subject to additional provisions as provided by the city.

Subd. 6. Uses excluded. Any use allowed or excluded in any other district unless specifically allowed under permitted uses of this district is excluded in P districts.

517.03. Lot requirements and setbacks. All lot requirements and setbacks for permitted and conditional uses in this district shall be comparable to other similar uses that are allowed in other districts as determined by the city. (Amended, Ord. No. 00-08)

517.05. Building requirements. All building requirements for permitted and conditional uses in this district shall be comparable to other similar uses that are allowed in other districts as determined by the city. (Amended, Ord. No. 00-08)

517.07. Parking requirements. All parking requirements for permitted and conditional uses in this district shall be comparable to other similar uses that are allowed in other districts as determined by the city. (Amended, Ord. No. 00-08)

517.09. Landscape requirements. All landscape requirements for permitted and conditional uses in this district shall be comparable to other similar uses that are allowed in other districts as determined by the city. (Amended, Ord. No. 00-08)

517.11. Performance standards. All performance standards for permitted and conditional uses in this district shall be comparable to other similar uses that are allowed in other districts as determined by the city. (Amended, Ord. No. 00-08)

517.13. Tower and telecommunications facilities requirements. All telecommunications facilities shall comply with section 720 of the city code.

Section 520 - Zoning: commercial districts

520.01. B-1, Neighborhood commercial district. Subdivision 1. Purpose. A district to provide for the establishment of local centers for convenient, limited retail or services outlets not larger than 5,000 square feet of gross floor area, which deal directly with the customer for whom the goods or services are furnished. These centers are to provide services and goods only for the surrounding neighborhoods and are not intended to draw customers from the entire community.

Subd. 2. Permitted uses. The following are permitted uses in B-1 districts provided they are less than 2,000 square feet of gross floor area:

- (a) barbershops;
- (b) beauty parlors;
- (c) drug stores;
- (d) essential services;
- (e) grocery stores;
- (f) marine tropical fish sales and service;
- (g) medical and general office excluding counseling or training services, less than 2,000 square feet. (Added, Ord. No. 01-02; Ord. No. 07-06)

Subd. 3. Permitted accessory uses. Permitted accessory uses in a B-1 district are:

- (a) commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed 30% of the floor space or require over 30% of the gross man hours required to conduct the principal use;
- (b) off-street parking as regulated by subsection 510.17 of this code;
- (c) off-street loading as regulated by subsection 510.19 of this code;
- (d) signs as regulated by section 410 of the city code;
- (e) interior storage of merchandise solely intended to be retailed by the principal use;
- (f) solar energy devices that are an integral part of the principal structure;
- (g) bingo as an activity related to a civic celebration or by an organization which conducts four or fewer bingo occasions in a calendar year, subject to approval of city permit.

Subd. 4. Conditional uses. The uses described in this subdivision require a conditional use permit based on procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) (Amended, Ord. No. 97-06; Deleted, Ord. No. 11-07)
- (b) General and medical offices excluding counseling or training services greater than 2,000 square feet but less than 5,000 square feet of gross floor area provided that: (Amended, Ord. No. 07-06)
 - (1) the services which are provided are for the local area rather than the community or region;
 - (2) the traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets; and (Amended, Ord. No. 07-06)
 - (3) the architectural appearance of the building housing the office use shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or to constitute a blighting influence within the neighborhood. (Amended, Ord. No. 01-02)
- (c) Sales and installation of mobile electronics and accessories provided that:
 - (1) conformity with the surrounding neighborhood is maintained and required setbacks are met;
 - (2) equipment and materials are completely enclosed in a permanent structure with no outside storage and the architectural appearance of the structure housing the use shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute blighting influence within the neighborhood;
 - (3) the traffic generated will not increase traffic volumes beyond the traffic capacity of surrounding streets;
 - (4) adequate screening from neighboring uses and landscaping is provided in accordance with subsection 510.25, subdivision 2 of this code.
- (d) Grocery stores larger than 2,000 square feet but less than 5,000 square feet provided that:
 - (1) the property is a corner lot;
 - (2) all signs and lighting be subject to city approval.
- (e) Buildings combining residential and permitted or conditional nonresidential uses allowed in this district provided that:

- (1) residential and nonresidential uses shall be in separate rooms and clearly defined spaces;
 - (2) the residential and nonresidential uses shall not conflict in any manner.
 - (3) the residential building standards as outlined in subsection 515.07 of this code are met.
- (f) Limited paperback book and antique sales provided that:
- (1) the retail area be no larger than 1,500 gross square feet;
 - (2) there is no outside storage;
 - (3) adequate screening from neighboring uses and landscaping is provided in accordance with subsection 515.25, subdivision 2 of this code;
 - (4) all parking areas be hard surfaced and have six inch high poured concrete curb and gutter installed around the perimeter.
- (g) On-site retail dry cleaning and shoe repair provided that:
- (1) the dry cleaning and shoe repair operation be no larger than 1,800 gross square feet;
 - (2) there is no outside storage;
 - (3) adequate screening from neighboring uses and landscaping is provided in accordance with subsection 510.25, subdivision 2 of this code;
 - (4) all parking areas be hard surfaced and have six inch high poured concrete curb and gutter installed around the perimeter.
- (h) Off-site parking which uses private property to meet the parking requirements of this code.
- (i) Use of public right-of-way to meet the parking requirements of this code.
- (j) Wind generators and other tower mounted energy devices.
- (k) Solar energy devices not an integral part of the principal structure.
- (1) Satellite antennas provided they are located in the rear yard and screened from public view.
- (m) Land reclamation involving 400 cubic yards or more of fill per section 510.21. (Amended, Ord. No. 01-02)

- (n) Coffee house provided that:
 - (1) the coffee house operation be no larger than 1,500 gross square feet;
 - (2) there is no outside storage;
 - (3) adequate screening from residential uses and landscaping is provided in accordance with subsection 510.25, subdivision 2 of this code;
 - (4) all parking areas be hard surfaced and have six inch high poured concrete curb and gutter installed around the perimeter;
 - (5) that any live entertainment be licensed per section 1100.07, that said entertainment not use any amplification device of any kind or be audible at the property line;
 - (6) that there be no amusement devices; and
 - (7) that the hours of operation not be before 6:00 a.m. or after 10:00 p.m. (Added, Ord. No. 97-17)
- (o) (Added, Ord. No. 02-01, Sec. 1) Townhouse, cooperative, condominium development per section 515.09, provided that:
 - (1) the development is compatible with existing and planned use of the area and conflicts are not created between commercial and residential use and activities;
 - (2) the development is located adjacent to mass transit service.

Subd. 5. Additional restrictions. For uses other than principal uses, requirements as to lot size, setbacks, building, parking, landscaping, screening, etc., shall be at least comparable to similar uses in other districts, but also subject to additional provisions as provided by the city.

Subd. 6. Lot and setback requirements. The following minimum requirements shall be observed in a B-1 district subject to additional requirements, exceptions and modifications set forth in this code.

- (a) Lot area: 6,000 square feet. Lot area may be reduced to 1,500 square feet per unit for townhouse, cooperative and condominium development if it is located adjacent to mass transit service. (Amended, Ord. No. 02-01, Sec. 2)
- (b) Lot width: 50 feet. Lot width may be reduced for townhouse, cooperative and condominium development to 20 feet per section 515.09, subdivision 3(d)(8) if adjacent to mass transit service. (Amended, Ord. No. 02-01, Sec. 2)
- (c) Setbacks:

- (1) Front yards:
 - (i) not less than 10 feet; (Amended, Ord. No. 01-02)
 - (ii) in a block where a lot fronts on a side street next to a block which has its side facing the same side street, the setback on each lot shall be 15 feet from the side street (right-of-way).
- (2) Side yards:
 - (i) five feet;
 - (ii) side yards abutting a public right-of-way (street) shall not be less than 15 feet from the right-of-way;
 - (iii) a side yard that contains a driveway shall be at least 15 feet if there is one-way traffic movement or at least 20 feet if there is two-way traffic movement;
 - (iv) a side yard that directly abuts a residential use or residential district shall be increased five additional feet over the minimum stated above and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.
 - (v) rear yards: 20% of lot depth and if abutting a residential district, shall be increased five feet and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 7. Building requirements.

- (a) Height. No structure shall exceed two stories or 25 feet except as provided in subsection 510.15, subdivision 1 of this code. Height may be increased to three stories or 30 feet for townhouse, cooperative, or condominium development adjacent to mass transit service. (Amended, Ord. No. 02-01, Sec. 3)
- (b) Exterior materials. The type of building materials used on exterior walls shall be modular brick, natural stone, and/or portland cement stucco. Accent materials may be tile, stone, metal and/or wood. The city council may waive these exterior material requirements for townhouse, cooperative and condominium development provided:
 - (1) the exterior materials are maintenance free and contain ornamental patterns;
 - (2) the development contains other architectural features (i.e. ornamental columns, unique roof lines, special exterior spaces such as porches and decks). (Amended, Ord. No. 02-01, Sec. 3)

Subd. 8. Parking requirements.

- (a) Reduction of parking. Reduction of parking stalls may be allowed when the provision of space required for parking stalls, due to the particular nature of the proposed use or other considerations, would be an unnecessary hardship. Adequate open space shall be provided to satisfy the total number of required parking stalls.
- (b) Waiver of parking design, driveway and setback requirements. The city council may waive some of the design, driveway, and setback requirements for parking areas of six or less spaces which are affiliated with a townhouse, cooperative, or condominium development adjacent to mass transit service. (Added, Ord. No. 02-01, Sec. 4)
- (c) Additional parking. When the provisions for parking space required for specific district uses is inadequate the city may require that additional off-street parking be provided.
- (d) Parking ratio. At least one off-street parking space shall be provided for each 200 square feet of gross floor area in the B-1 district, except: (Amended, Ord. No. 01-02)
 - (1) at least one off-street parking space shall be provided for each five seats for all theaters, churches, lodges, and other assembly facilities;
 - (2) at least one off-street parking space shall be provided for each 250 square feet of gross floor area for general office use; (Amended, Ord. No. 01-02)
 - (3) at least one off-street parking space shall be provided for each 110 net square feet of gross floor area. (Amended, Ord. No. 01-02)
 - (4) at least one off-street parking stall shall be provided for each 200 square feet of speculative gross floor area; (Amended, Ord. No. 01-02)
 - (5) at least one handicap off-street parking space shall be provided for each 50 spaces or fraction thereof.
 - (6) at least one and one-half off-street parking spaces shall be provided for each dwelling unit of a townhouse, cooperative, or condominium development. (Added, Ord. No. 02-01, Sec. 5)
- (e) Design requirements.
 - (1) Stall sizes:
 - (i) regular parking stalls shall be at least 8 1/2 feet wide and 18 feet long;
 - (ii) compact parking stalls shall be at least 7 1/2 feet wide and 16 feet long;
 - (iii) handicap parking stalls shall be at least 12 feet wide and 18 feet long;
 - (iv) only 25% of the required parking may be compact size.
 - (2) Drainage. All driveways and parking areas, except those for less than four vehicles, shall be graded according to a drainage plan which has been approved by the city.

- (3) Lighting. Any lighting used to illuminate an off-street parking area shall be shielded (concealed light source). (Amended, Ord. No. 02-01, Sec. 6)
 - (4) Curbing. The entire perimeter of all parking areas in excess of four stalls, access driveways, truck loading spaces or other hard surface areas that handle motor vehicle traffic shall be curbed with a poured six inch high concrete curb.
 - (i) curbing shall be required around safety islands;
 - (ii) curb cuts and ramps for the handicapped shall be installed as required by state law;
 - (iii) construction shall be in accordance with curbing specifications on file at the city;
 - (iv) the city may exempt curbing where the parking lot directly abuts a sidewalk which is sufficiently higher than the grade of the parking lot and satisfies the curbing requirements, or where the city has approved future expansion.
- (f) Driveway requirements:
- (1) a maximum driveway width of 35 feet at the curb opening, excluding the entrance radii can be constructed;
 - (2) the parking aisle shall be a minimum of 25 feet in width for two-way traffic and according to Table I, subsection 510.17, subdivision 2(d) of this code, for one-way traffic;
 - (3) the edge of the curb opening shall not be closer to the nearest portion of a street right-of-way intersection than 75 feet or two-thirds of the lot width, whichever is smaller;
 - (4) where a T intersection exists, a driveway may be located opposite the end of the intercepted street;
 - (5) the minimum driveway angle to the street shall be 60 degrees;

- (g) Parking setback requirements. (Amended, Ord. No. 02-01, Sec. 7)
- (1) no closer than five feet from any street right-of-way. A direct parking access may encroach in this five feet; (Amended, Ord. No. 01-02)
 - (2) no closer than five feet from any side lot line, or one foot if a guard rail approved by the city is installed. A common drive approved by both adjoining property owners may be allowed by the city; (Amended, Ord. No. 01-02)
 - (3) no closer than five feet from any rear lot line. A direct parking access may encroach into the five feet; (Amended, Ord. No. 01-02)
 - (4) no closer than five feet from the main building or one foot if a guard rail approved by the city is installed. (Amended, Ord. No. 01-02).
- (h) Loading docks:
- (1) outside loading docks shall be located in the rear or side yard and be properly screened;
 - (2) the space needed for the loading docks must be adequate to handle the loading and unloading needs, without obstructing the public right-of-way.
- (i) Off-street parking shall be provided for all vehicles concerned with any use on the lot.
- (j) Parking lots with more than four parking stalls shall be striped.
- (k) Sufficient concrete areas may be required for motorcycle parking in addition to the required vehicle parking stalls.
- (l) Bike racks may be required by the city in an area that is convenient to each major building entrance and will not disrupt pedestrian or vehicular traffic or fire lanes.
- (m) Safety signs, markings and traffic control devices may be required to promote vehicular and pedestrian safety.

Subd. 9. Landscape requirements:

- (a) All open areas of any site, except for areas used for parking, driveways or storage shall be landscaped and be incorporated in a landscape plan.
- (b) The landscape plan shall be submitted for approval by the city and indicate the location, size and species, and method and quantity of all proposed plants, including designation of any existing vegetation which is to be removed or which will remain with construction.
- (c) Underground lawn sprinkling systems or other provision for watering shall be provided to maintain the lawns and landscaping within the boulevards, front, and side yard areas.

Subd. 10. Performance standards:

- (a) Parking facilities: All driveways, parking areas, and loading docks shall be surfaced with blacktop, concrete or other hard surface material approved by the city.
- (b) Exterior storage: All materials and commercial equipment shall be kept in a building and nothing shall be stored outside.
- (c) Refuse: All waste materials, refuse or garbage shall be contained in closed containers as required by section 605 of the city code.
- (d) Screening:
 - (1) All required screening shall be according to subsection 510.25, subdivision 2 of this code.
 - (2) Plantings shall not be placed so as to obstruct lines of sight at street corners and driveways.
 - (3) Screening of off-street parking shall be required for:
 - (i) any off-street parking area requiring more than four spaces or adjoining a residential district;
 - (ii) any driveway to a parking area of four or more spaces within 30 feet of an adjoining residential district.
 - (4) All trash or garbage storage receptacles must be located in the rear or side yard and be totally screened from view from any public right-of-way. Provisions must be taken to protect screening from vehicle damage.
 - (5) All roof equipment, except alternate energy devices must be screened from public view unless the equipment is designed as an integral part of the building and is compatible with the lines of the building. The required screening must be consistent with subsection 510.25, subdivision 2(h). (Amended, Ord. No. 01-02)
- (e) Drainage and grade requirements: A finished ground grade shall be established such that natural drainage away from all buildings is provided. The following minimum criteria shall apply: (Amended, Ord. No. 02-01, Sec. 8)
 - (1) the minimum elevation of finished grade shall not be less than one-fourth inch rise per horizontal foot of setback measured from curb grade;
 - (2) the city may specify a minimum finished ground grade for any structure in order to allow proper drainage and connection to city utilities.

- (f) Landscaping: The following shall be minimum criteria for landscaping:
- (1) it shall be the owner's responsibility to see that all required landscaping is maintained in an attractive, well kept condition;
 - (2) all vacant lots, tracts or parcels shall be properly maintained in an orderly manner free of litter and junk;
 - (3) all uses shall provide water facilities to yard areas for maintenance and landscaping.
- (g) Maintenance: It shall be the responsibility of the property owner to ensure that:
- (1) Every exterior wall, foundation and roof of any building or structure shall be reasonably watertight, weathertight, and rodentproof, and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears or breaks of deteriorated plaster, stucco, brick, wood or other materials that gives evidence of long neglect.
 - (2) The protective surface on exterior walls of a building shall be maintained in good repair and provide a sufficient covering and protection of the structural surface against its deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if:
 - (i) more than 25% of the area of any plane or wall on which the protective surface is blistered, cracked, flaked, scaled or chalked away; or
 - (ii) more than 25% of the pointing of any brick or stone wall is loose or has fallen out.
 - (3) Every yard and all structures, walls, fences, walks, steps, driveways, landscaping and other exterior developments shall be maintained in an attractive, well kept condition.
 - (4) The boulevard area of a premise shall be properly maintained, groomed, and cared for by the abutting property owner.
- (h) Essential services: (Amended, Ord. No. 01-02)
- (1) connection is required on each lot served by city sanitary sewer;
 - (2) connection is required on each lot served by city water line.
- (i) Signs. All signs shall comply with section 410 of the city code and consistent with the Downtown Robbinsdale Architectural Design Guidelines. (Added, Ord. No. 02-01, Sec. 9)

520.03. B-2 limited commercial district. Subdivision 1. Purpose. A district to provide for low density, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and located in areas which are well served by street or highway facilities at the edge of residential districts.

Subd. 2. Permitted uses. Permitted uses in a B-2 district are:

- (a) all permitted uses allowed in the B-1 neighborhood commercial district, except as hereinafter modified;
- (b) bakery goods and baking of goods for retail sale on the premises;
- (c) bank or savings institutions;
- (d) candy, ice cream, popcorn, nuts, frozen desserts, and soft drinks, but not of the drive-in or convenience food type of service;
- (e) commercial office space and professional offices;
- (f) delicatessen;
- (g) on-site retail dry cleaning, dry cleaning pick-up stations and laundry pick-up stations including incidental repair and assembly but no fabricating or manufacturing;
- (h) dry goods store;
- (i) florist shop;
- (j) frozen food store but not including locker plant;
- (k) hardware store;
- (l) hobby store including handicraft classes but not to exceed 15 students;
- (m) ice sales with storage not to exceed five ton and coin operated machines;
- (n) liquor (off-sale) stores;
- (o) locksmith;
- (p) meat market, but not including the processing for a locker plant;

- (q) medical and dental clinics;
- (r) newsstand;
- (s) paint and wallpaper sales;
- (t) photographic studios;
- (u) pipe and tobacco shops and sales;
- (v) postal or telegraph substation;
- (w) public utility collection office;
- (x) real estate agencies;
- (y) shoe repair;
- (z) supermarkets;
- (aa) loan offices;
- (bb) travel agency;
- (cc) off-set duplication establishments provided the business neither ships out nor receives supplies or materials in trucks with more than two axels;
- (dd) (Added, Ord. No. 99-02; Deleted, Ord. No. 10-18)
(Amended, Ord. No. 08-03)

Subd. 3. Permitted accessory uses. Permitted accessory uses in a B-2 district are:

- (a) all permitted accessory uses allowed in a B-1 district except as hereinafter modified;
- (b) any incidental repair or processing necessary to conduct a permitted principal use shall not exceed 40% of the floor space nor 40% of the man hours required to conduct the principal permitted use;
- (c) off-street parking of trucks in excess of 9,000 pounds gross weight.

Subd. 4. Conditional uses. The uses described in this subsection require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) Multiple family dwellings provided that:
 - (1) development is compatible with existing and planned use of the area and conflicts are not created between commercial and residential use and activities;
 - (2) the lot requirements and setbacks outlines in subsection 515.05, subdivision 5 of this code and building requirements outlined in subsection 515.05, subdivision 6 of this code are complied with;
 - (3) at least 300 square feet of usable open space as defined by subsection 505.09, subdivision 110 of this code is provided for each dwelling unit;
 - (4) adequate off-street parking is provided in compliance with subsection 510.17 of this code;
- (b) Buildings combining residential and nonresidential uses allowed in this district provided that:
 - (1) residential and nonresidential uses shall not be contained on the same floor;
 - (2) the residential and nonresidential uses shall not conflict in any manner;
 - (3) the residential building standards as outlined in subsection 515.07 of this code are met;
- (c) Municipal and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:
 - (1) conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met;
 - (2) equipment is completely enclosed in a permanent structure with no outside storage;
 - (3) adequate screening from neighboring uses and landscaping is provided in accordance with subsection 510.25, subdivision 2 of this code;

- (d) Buildings in excess of three stories or 40 feet provided that:
 - (1) the site is capable of accommodating the increased intensity of the use;
 - (2) the increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets;
 - (3) public utilities and services are adequate;
 - (4) except for senior housing for each additional story over three stories or for each additional ten feet above 40 feet, front and side yard setback requirements shall be increased five feet; (Amended, Ord. No. 08-02)
- (e) Theatres (not of the drive-in type) provided that:
 - (1) adequate off-street parking in compliance with subsection 510.17 of this code is provided;
 - (2) an off-street rider drop-off and pick-up drive and entrance is provided;
 - (3) when abutting a residential use or an R-1 or R-2 district a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided;
 - (4) all signing and information or visual communication devices shall be in compliance with section 410 of the city code and shall not impact surrounding or abutting residential uses;
- (f) Commercial planned unit development as regulated by subsection 530.05 of this code.
- (g) Senior housing provided that: (Amended, Ord. No. 08-02)
 - (1) development is compatible with existing and planned use of the area and conflicts are not created between commercial and residential uses and activities;
 - (2) the conditions established in subsection 515.07, subdivision 4(h) of this code are satisfactorily met;
 - (3) the lot and building standards as established in subsection 515.07, subdivisions 5 and 6 of this code are met;

- (h) Schools - music, dance, business, beauty, and barber provided that:
 - (1) development is compatible with the existing and planned uses of the area and conflicts are not created between commercial and residential use and activities;
 - (2) adequate off-street parking in compliance with subsection 510.17 of this code is provided;
 - (3) an off-street rider drop-off and pick-up drive and entrance is provided;
 - (4) the site of the principal use and related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (5) all signing and information or visual communication devices shall be in compliance with section 410 of this city code when directly abutting a residential use or district;
 - (6) adequate screening is provided in conjunction with subsection 510.25, subdivision 2 of this code when directly abutting a residential use or district;
- (i) Day Care accessory to a school or church; (Added, Ord. No. 94-11, Sec. 1)
- (j) Mortuaries - provided that:
 - (1) there is no outside storage;
 - (2) adequate screening from residential uses and landscaping is provided in accordance with subsection 510.25, subdivision 2 of this code;
 - (3) all parking areas be hard surfaced and have six inch high poured concrete curb and gutter installed around the perimeter;
 - (4) an off-street rider drop-off and pick-up drive and entrance is provided;
 - (5) vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the city engineer or city planner or both. (Added, Ord. No. 95-03)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in a B-2 district subject to additional requirements, exceptions and modifications set forth in this code.

- (a) Lot area: 10,000
- (b) Lot width: 60
- (c) Setbacks:
 - (1) Front yards: five feet unless:
 - (i) in a block where a lot fronts on a side street next to a lot which has its side facing the same side street, the setback on each lot shall be 15 feet from the side street (right-of-way).
 - (2) Side yards: zero unless:
 - (i) side yard abutting a public right-of-way (street) shall be not less than 15 feet from the right-of-way except in the case of 40 foot lots, the side yard may be reduced to not less than five feet from the right-of-way;
 - (ii) a side yard that contains a driveway shall be at least 15 feet if there is one-way traffic movement or at least 20 feet if there is two-way traffic movement;
 - (iii) a side yard that directly abuts a residential use or residential district shall be increased ten additional feet over the minimums stated above and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.
 - (3) Rear yards. 12 feet and if abutting a residential use or residential district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 6. Building requirements.

- (a) Height. No structure shall exceed three stories or 30 feet except as provided in subsections 510.15, subdivision 1 and 520.03, subdivision 4(d) of this code.

520.05. B-3, highway commercial district. Subdivision 1. Purpose. A district to provide for the establishment of automobile oriented or dependent commercial and service activities.

Subd. 2. Permitted uses. Permitted uses in a B-3 district are:

- (a) all permitted uses allowed in B-1 and B-2 districts except as hereinafter modified;
- (b) auto accessory store;
- (c) garden, farm and feed supply stores;
- (d) motels, motor hotels, and hotels provided that the site shall contain not less than five hundred square feet of lot area per unit;
- (e) mortuary;
- (f) municipal and public utility buildings and structures;
- (g) restaurant, cafe, tea room, tavern and private clubs serving prepared food and beverages;
- (h) taxi terminals;
- (i) governmentally owned open parking lots and parking ramps.

Subd. 3. Permitted accessory uses. Permitted accessory uses in a B-3 district are:

- (a) all accessory uses allowed in B-1 and B-2 districts except as hereinafter modified;
- (b) state licensed bingo in a church or club, limited to three occasions per week. (Amended, Ord. No. 93-16, Sec. 2)
- (c) Food trucks provided that:
 - (1) An application including a site plan and hours of operation is submitted and approved by the city manager;
 - (2) The location shall abut and have access to an arterial or collector street;
 - (3) The use shall not be located within a public right-of-way;
 - (4) The use shall not cause congestion on the site or adjacent streets or block fire lanes;
 - (5) The use shall be on a paved surface and not shall displace required parking needed to support the existing principal use(s) of the site;
 - (6) The use shall be subject to all applicable nuisance and general performance standards in the city code and must be kept free of trash, rubbish, litter and debris;
 - (7) All tents, canopies, awnings or similar items and all water, electrical and lighting facilities shall be in compliance with applicable codes;

- (8) Signs used to advertise the food truck, not permanently affixed to the truck, shall comply with temporary sign standards and permit requirements;
- (9) The food truck shall be licensed by the State of Minnesota, Hennepin County and the City of Robbinsdale, as required;
- (10) The use shall have written permission from the property owner;
- (11) The use shall not be located within 100 feet of the main entrance of any other permanent food establishment; the setback shall be measured from the food truck to the main entrance of the building; and
- (12) The use at any site shall be limited to no more than 3 consecutive days and a total of 10 days in a calendar year unless approved by the city council.

(Added, Ord. No. 15-09)

Subd. 4. Conditional uses. The uses described in this subdivision require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) All conditional uses allowed in B-1 and B-2 districts except as hereinafter modified.
- (b) Drive-in establishments and convenience food establishments provided that:
 - (1) 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 within a reasonable distance of the lot;
 - (2) at the boundaries of a residential use, a strip of not less than five feet shall be landscaped and screened in compliance with subsection 510.25, subdivision 2 of this code. Each light standard island and all islands in the parking lot landscaped or covered;
 - (3) parking areas shall be screened from view of abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (4) parking areas and driveways shall be curbed with continuous curbs not less than six inches high above the parking lot or driveway grade;
 - (5) all lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with subsection 510.25, subdivision 2 of this code;
 - (6) the entire area shall have a drainage system which is subject to the approval of the city engineer;
 - (7) the entire area other than occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the city engineer;
 - (8) vehicular access points shall create a minimum of conflict with through-traffic movement and shall be subject to the approval of the city engineer or city planner, or both;
 - (9) all signing and informational or visual communication devices shall be in compliance with subsection 410 of the city code and shall not impact surrounding or abutting residential uses;
 - (10) the provisions of subsection 535.01, subdivision 2(e) of this code are considered and satisfactorily met.

- (c) Car washes (drive-through and self-service) provided that:
- (1) 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 within a reasonable distance of the lot;
 - (2) off-street parking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30 minute period and shall be subject to the approval of the city engineer or city planner, or both;
 - (3) at the boundaries of a residential use, a strip of not less than five feet shall be landscaped and screened in compliance with subsection 510.25, subdivision 2 of this code. Each light standard island and all islands in the parking lot landscaped or covered;
 - (4) parking or car magazine storage space shall be screened from view of abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (5) the entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the city engineer;
 - (6) the entire area shall have a drainage system which is subject to the approval of the city engineer;
 - (7) all lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with subsection 510.25, subdivision 5 of this code;
 - (8) vehicular access points shall create a minimum of conflict with through-traffic movement and shall be subject to the approval of the city engineer or city planner, or both;
 - (9) all signing and informational or visual communication devices shall be in compliance with section 410 of the city code and shall not impact surrounding or abutting residential uses;
 - (10) provisions are made to control and reduce noise;
 - (11) the provisions of subsection 535.01, subdivision 2(e) of this code are considered and satisfactorily met.

- (d) Motor fuel station, auto repair - minor, and tire and battery stores provided that:
- (1) 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 within a reasonable distance of the lot;
 - (2) the entire site other than that taken up by a building, structure or planting shall be surfaced with a material to control dust and drainage which is subject to the approval of the city engineer;
 - (3) a drainage system subject to the approval of the city engineer shall be installed;
 - (4) a curb not less than six inches above grade shall separate the public sidewalk from motor vehicle service areas;
 - (5) the lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with subsection 510.25, subdivision 5 of this code;
 - (6) wherever fuel pumps are to be installed, pump islands shall be installed;
 - (7) at the boundaries of a residential use, a strip of not less than five feet shall be landscaped and screened in compliance with subsection 510.25, subdivision 2 of this code. Each light standard landscaped;
 - (8) parking or car magazine storage space shall be screened from view of abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (9) vehicular access points shall create a minimum of conflict with through-traffic movement and shall be subject to the approval of the city engineer or city planner, or both;
 - (10) all signing and informational or visual communication devices shall be in compliance with section 410 of the city code, and shall not impact surrounding or abutting residential uses;
 - (11) provisions are made to control and reduce noise;
 - (12) no outside storage except as allowed in compliance with subsection 520.05, subdivision 4(e) of this code;
 - (13) no outside sale or service except as allowed in compliance with subsection 520.05, subdivision 4(f) of this code.

- (14) all conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions;
 - (15) the provisions of subsection 535.01, subdivision 2(e) of this code are considered and satisfactorily met.
- (e) open or outdoor storage provided that:
- (1) the area is fenced and screened from view of neighboring residential uses or if abutting an R district in compliance with subsection 510.25, subdivision 2 of this code;
 - (2) storage is screened from view from the public right-of-way in compliance with subsection 510.25, subdivision 2 of this code;
 - (3) storage area is grassed or surfaced to control dust;
 - (4) all lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with subsection 510.25, subdivision 2 of this code;
- (f) Open or outdoor service, sales and equipment rental as an accessory use or area of principal use provided that:
- (1) outside services, sales and equipment rental connected with the principal use is limited to 30% of the floor area of the principal use;
 - (2) outside sales areas are fenced or screened from view of neighboring residential uses or an abutting R district in compliance with subsection 510.25, subdivision 2 of this code;
 - (3) all lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with subsection 510.25, subdivision 5 of this code;
 - (4) sales areas are grassed or surfaced to control dust;

- (g) Restricted production and repair limited to the following: art, needlework, clothing, custom manufacturing and alteration, jewelry from precious metals, watches, dentures and optical lenses, household appliances provided that:
- (1) all activities are totally enclosed within a structure and provisions are made to control and reduce noise. Noise control provisions shall be reviewed by the construction coordinator and are subject to his approval;
 - (2) no outside storage will be allowed;
 - (3) all signing and informational or visual communication devices shall be in compliance with section 410 of the city code and shall not impact surrounding or abutting residential uses;
 - (4) the architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot;
 - (5) the entire site other than that taken up by a building, structure or planting shall be surfaced with a material to control dust and drainage which is subject to the approval of the city engineer;
 - (6) a drainage system subject to the approval of the city engineer shall be installed;
 - (7) the lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with subsection 510.25, subdivision 5 of this code.
 - (8) at the boundaries of a residential use, a strip of not less than five feet shall be landscaped and screened in compliance with subsection 510.25, subdivision 2 of this code. Each light standard landscaped;
 - (9) vehicular access points shall create a minimum of conflict with through-traffic movement and shall be subject to the approval of the city engineer or city planner, or both;
 - (10) parking or car magazine storage space shall be screened from view of abutting residential uses in compliance with subsection 510.25, subdivision 2 of this code;
 - (11) the location of such use will not encourage traffic through a residential district;
 - (12) adequate off-street parking is provided in compliance with subsection 510.17 of this code;

- (13) no outside sale or service except as allowed in compliance with subsection 520.05, subdivision 4(e) of this code;
 - (14) all conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions;
- (h) Retail fence sales and service provided that:
- (1) no outside storage except as allowed in compliance with subsection 520.05, subdivision 4(e) of this code;
 - (2) no open or outdoor sales or service except as allowed in compliance with subsection 520.05, subdivision 4(f) of this code.
- (i) Privately owned open parking lots as a principal use provided that:
- (1) access is from and onto a collector or arterial street;
 - (2) entrances and exits create a minimum of conflict with through-traffic movement;
 - (3) sufficient magazine space is provided within the structure or on the site to minimize or eliminate the blocking of traffic in the public right-of-way;
 - (4) parking spaces and aisle or driveways shall be developed in compliance with subsection 510.17 of this code and are subject to the review and approval of the city engineer or city planner, or both;
 - (5) the location is at least 60 feet from the boundary of an R-1 or R-2 district;
 - (6) when abutting an R-1 or R-2 district, a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided;
 - (7) when abutting a residential use which is not related to the parking ramp or open parking lot, a setback of at least 30 feet shall be provided from the property line and this area shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code;
 - (8) all signing and informational or visual communication devices shall be in compliance with section 410 of the City code and shall not impact surrounding or abutting residential uses;

- (j) Automobile sales showroom provided that:
 - (1) no automobile repair or maintenance activities are conducted upon the site;
 - (2) there shall be no exterior storage or display of either new or used automobiles upon the site;
 - (3) no stock of either new or used automobiles, except for those utilized for display purposes, shall be maintained upon the site.
- (k) Repair, testing and assembly of electrical appliances, apparatuses and related equipment. The above would be restricted to light assembly and limited warehouse activities.
- (l) Shared parking.
- (m) Automobile sales with exterior display of vehicles provided that: (Added, Ord. No. 11-05)
 - (1) the use is accessory to an auto repair (minor) service conditional use;
 - (2) the outdoor display of automobiles occupies less than 30% of the principal building main floor area;
 - (3) the outdoor display and/or storage of vehicles shall not be located within a front yard;
 - (4) the outdoor display and/or storage of vehicles shall not be allowed in the required parking for the auto repair service conditional use;
 - (5) a site plan is required showing the parking spaces designated to the auto sales conditional use consistent with Section 510.17;
 - (6) the use shall be screened from adjacent residential uses in conformance with section 510.25;
 - (7) no vehicles exceeding a gross weight of 9,000 pounds may be displayed or stored outdoors;
 - (8) no inoperable or unregistered vehicles, outdoor storage of parts, tires, or other waste associated with the use, and no outside maintenance or repair of vehicles will be permitted;
 - (9) there shall be no pennants, streamers, string lighting or spotlights allowed. Only indirect lighting shall be permitted;
 - (10) no visual messages or sales information beyond vehicle warranty required by state law may be attached or affixed to vehicles; and

- (11) no public address or paging system is permitted to be audible outside of the building.
- (n) Small brewery with or without a taproom in compliance with Minnesota Statutes Section 340A.301 and the licensing requirements in city code section 1200 and provided that:
 - (1) 1 parking space per 400 sq. ft. for brewery, processing, production, storage or cooler areas and 1 parking space per 200 sq. ft. for taproom and office areas;
 - (2) All bulk deliveries shall be to the rear of the building and screened from residential uses;
 - (3) There is no outdoor storage of any brewing materials; and
 - (4) Outdoor taproom seating and service areas shall require a conditional use permit and shall be regulated by city code section 1200.03, subd. 5 and 1205.23, subd. 4.

(Added, Ord. No. 14-21)

Subd. 5. Lot and setback requirements. The following minimum requirements shall be observed in a B-3 district subject to additional requirements, exceptions, and modifications set forth in this ordinance.

- (a) Lot area: no minimum
- (b) Lot width: no minimum
- (c) Setbacks:
 - (1) Front yard: five feet.
 - (2) Side yard: Zero unless
 - (i) a side yard that contains a driveway shall be at least 15 feet if there is one-way traffic movement or at least 20 feet if there is two-way traffic movement;
 - (ii) A side yard that directly abuts a residential use or residential district shall be increased ten additional feet over the minimum stated above and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.
 - (3) Rear yard: 12 feet and if abutting a residential use or residential district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 6. Building requirements.

- (a) Height. No structure shall exceed three stories or 40 feet except as provided in subsections 510.15, subdivision 1 and 520.03, subdivision 4(d) of this code.

520.07. B-4 community business district. Subdivision 1. Purpose. A district provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region.

Subd. 2. Permitted uses. Permitted uses in a B-4 district are:

- (a) all permitted uses allowed in B-1, B-2, and B-3 districts except as hereinafter modified;
- (b) antique and gift shops;
- (c) appliance stores;
- (d) art and school supplies;
- (e) bicycle sales and repair;
- (f) boat and marine including servicing or repair when totally enclosed within a building;
- (g) books and office supplies;
- (h) bowling alleys, billiard rooms, skating rinks;
- (i) carpet and rugs;
- (j) clothing stores;
- (k) coin and philatelic stores;
- (l) costume rentals;
- (m) department stores limited to permitted uses allowed within this district;
- (n) electrical appliance store including incidental repair;
- (o) employment agency;
- (p) florist shop;
- (q) furniture store including upholstery as a secondary use;
- (r) furrier, retail only, plus storage;

- (s) glass, china, or pottery;
- (t) interior decorating studio;
- (u) jewelry store and watch repair;
- (v) leather goods and luggage;
- (w) light fixture and lamps;
- (x) meeting halls;
- (y) musical instrument sales and incidental parts;
- (z) physical culture, health services, reducing salons, public bath, excepting saunas and massage services;
- (aa) picture framing;
- (bb) record shops;
- (cc) restricted production and repair limited to the following: art, needlework, clothing, custom manufacturing and alterations, jewelry from precious metals, watches, dentures and optical lenses, household electrical appliances;
- (dd) schools - music, dance, business, beauty, and barber;
- (ee) sewing machine sale and service;
- (ff) shoe repair;
- (gg) sporting goods;
- (hh) tailor shops;
- (ii) toy store;
- (jj) variety store limited to permitted uses allowed within this district;

- (kk) wearing apparel;
- (ll) off-set duplication.
- (mm) minor dealers as defined by section 530.02, subdivision 3(f). (Added, Ord. No. 98-17)
- (nn) furniture and home decorating consignment house dealers exempted by section 530.02, subdivision 8. (Added, Ord. No. 02-10)

Subd. 3. Permitted accessory uses. Permitted accessory uses in a B-4 district are:

- (a) All accessory uses allowed in B-1, B-2, and B-3 districts.

Subd. 4. Conditional uses. The uses described in this subdivision require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) All conditional uses allowed in B-1, B-2 and B-3 districts.
- (b) Privately owned parking ramps as a principal or accessory use and privately owned open parking lot as a principal use, provided that:
 - (1) access is from and onto a collector or arterial street;
 - (2) entrances and exists create a minimum of conflict with through traffic movement;
 - (3) sufficient magazine space is provided within the structure or on the site to minimize or eliminate the blocking of traffic in the public right-of-way;
 - (4) parking spaces and aisle or driveways shall be developed in compliance with subsection 510.17 of this code and are subject to the review and approval of the city engineer or city planner, or both;
 - (5) the location is at least 60 feet from the boundary of an R-1 or R-2 district;
 - (6) when abutting an R-1 or R-2 district a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided;
 - (7) when abutting a residential use which is not related to the parking ramp or open parking lot, a setback of at least 30 feet shall be provided from the property line and this area shall be maintained as open space, and screening and landscaping shall be provided in compliance with subsection 510.25, subdivision 2 of this code;
 - (8) all signing and informational or visual communication devices shall be in compliance with section 410 of the city code and shall not impact surrounding or abutting residential uses;

- (c) Saunas and massage services provided that:
- (1) the establishment, maintenance, or operation of the facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - (2) the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;
 - (3) the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (4) adequate utilities, access roads, drainage, and necessary facilities have been or are being provided;
 - (5) the conditional use shall, in all other respects, conform to section 610 of the city code, and to the applicable regulations of the district in which it is located;

- (d) State licensed bingo more than one night per week provided that:
- (1) an off-street rider drop-off and pick-up drive and entrance is provided;
 - (2) the site does not abut any residential district;
 - (3) all signs and information or visual communication devices shall not impact surrounding or abutting residential uses;
 - (4) the site is served by an arterial street;
 - (5) requirements of Minnesota Statutes, chapter 349 and as amended, entitled bingo, gambling devices and video games of chance licensing act, are met;
 - (6) requirements of section 1105 of the city code and as amended, relating to regulation of lawful gambling, are met;
 - (7) the establishment, maintenance, or operation of the facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - (8) the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;
 - (9) the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (10) no alcohol is allowed on the premises;
 - (11) no one under age 18 is allowed on the premises;
 - (12) the site is not within 1,000 feet of the site of any other state licensed bingo.
- (e) Veterinary services provided that:
- (1) Must have a separate entrance.
 - (2) If adjacent to residential zoning district, then it must be screened as set forth in section 510.25. (Added, Ord. No. 00-09)
- (f) Counseling or training services subject to the standards specified in section 515.07, subdivision 4 (c). (Added, Ord. No. 07-06)

Subd. 5. Lot requirements and setback requirements. The following minimum requirements shall be observed in a B-4 district subject to additional requirements, exceptions and modifications set forth in this ordinance.

- (a) Lot area: no minimum.
- (b) Lot width: no minimum.
- (c) Setbacks:
 - (i) a side yard that contains a driveway shall be at least 15 feet if there is one-way traffic movement or at least 20 feet if there is two-way traffic movement;
 - (ii) A side yard that directly abuts a residential use or residential district shall be increased ten additional feet over the minimums stated above and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.
 - (iii) Rear yard: 12 feet and if abutting a residential use or residential district, shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 6. Building requirements.

- (a) Height: No structure shall exceed three stories or 40 feet except as provided in subsections 510.15, subdivision 1 and 520.03, subdivision 4(d) of this code.

520.09. NG, neighborhood grocery district. Subdivision 1. Purpose. A district to provide for the establishment of local convenient grocery stores which deal directly with the customer for whom the goods or services are furnished. These grocery stores are to provide services and goods only for the immediate neighborhood and not intended to draw customers from the entire community.

Subd. 2. Permitted uses. Grocery stores not more than 2,000 square feet of floor provided that:

- (a) the property is a corner lot;
- (b) the signing and lighting is approved by the city.

Subd. 3. Permitted accessory uses. Permitted accessory uses in an NG; district are:

- (a) off-street parking as regulated by subsection 510.17 of this code;
- (b) off-street loading as regulated by subsection 510.19 of this code;
- (c) signs and bulletin boards as regulated by section 410 of the city code;
- (d) interior storage of merchandise solely intended to be retailed by the principal use;
- (e) solar energy devices that are an integral part of the principal structure.

Subd. 4. Conditional uses. The uses described in this subdivision require a conditional use permit based on procedures set forth in and regulated by subsection 535.01 of this code and all the following:

- (a) Grocery stores greater than 2,000 square feet but less than 3,000 square feet provided that:
 - (1) the property is on a corner lot;
 - (2) all signs and lighting be subject to city approval.
- (b) Buildings combining residential and permitted non-residential uses allowed in this district provided that:
 - (1) residential and nonresidential uses shall be in separate rooms and clearly defined spaces and shall not conflict in any manner;
 - (2) the residential building standards as outlined in subsection 515.07, subdivision 6 of this code are met.
- (c) Off-site parking which uses private property to meet the parking requirements of this code.
- (d) Use of public right-of-way to meet the parking requirements of this code.
- (e) Wind generators and other tower-mounted energy devices.
- (f) Solar energy devices not an integral part of the principle structure.
- (g) Satellite antenna.

Subd. 5. Lot and setback requirements.

- (a) Lot area: 10,000 square feet.
- (b) Lot width: 80 feet
- (c) Building setbacks:
 - (1) Front yard: not less than 30 feet, except
 - (i) in a block where a lot fronts on a side street next to a block which has its side facing the same side street the setback on each lot shall be 15 feet from the side street (right-of-way).
 - (2) Side yard: five feet unless:
 - (i) side yard abutting a street right-of-way shall not be less than 15 feet from the right-of-way;
 - (ii) a side yard that contains a driveway shall be at least 15 feet if there is one-way traffic movement or at least 20 feet if there is two-way traffic movement;
 - (iii) a side yard that directly abuts a residential use or residential district shall be increased five additional feet over the minimum stated above and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.
 - (3) Rear yards: 20 percent of lot depth and if abutting a residential district shall be increased five feet and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 6. Building requirements.

- (a) Height: No structures shall exceed two stories or 25 feet except as provided in subsection 510.15, subdivision 1 of this code.
- (b) Exterior materials: The type of building materials used on exterior walls shall be face brick, natural stone, specifically designed precast concrete, factory fabricated and finished metal frame paneling, glass or other materials approved by the city.

Subd. 7. Parking requirements.

- (a) Reduction of parking: Reduction of parking stalls may be allowed when the provision of space required for parking stalls, due to the particular nature of the proposed use or other considerations, would be an unnecessary hardship. Adequate open space shall be provided to satisfy the total number of required parking stalls.

- (b) Additional parking: When the provisions for parking space required for specific district uses is inadequate the city may require additional off-street parking be provided.
- (c) Parking ratio:
 - (1) At least one off-street parking space shall be provided for each 200 square feet of building floor area.
 - (2) At least one handicap off-street parking space shall be provided for each 50 spaces or fraction thereof.
- (d) Design requirements:
 - (1) Drainage: All driveways and parking areas, except those for less than four vehicles, shall be graded according to a drainage plan which has been approved by the city.
 - (2) Lighting: Any lighting used to illuminate an off-street parking area shall be shaded or diffused to reflect the light away from the adjoining property and traffic.
 - (3) Curbing: The entire perimeter of all parking areas in excess of four stalls, access driveways, truck loading spaces or other hard surface areas that handle motor vehicle traffic shall be curbed with a poured six inch high concrete curb, as follows:
 - (i) curbing shall be required around safety islands;
 - (ii) curb cuts and ramps for the handicapped shall be installed as required by state law;
 - (iii) construction shall be in accordance with curbing specifications on file at the city;
 - (iv) the city may exempt curbing: Where the parking lot directly abuts a sidewalk which is sufficiently higher than the grade of the parking lot and satisfies the curbing requirements.
 - (4) Driveway requirements:
 - (i) A maximum driveway width of 35 feet at the curb opening, excluding the entrances radii can be constructed;
 - (ii) The parking aisle shall be a minimum of 25 feet in width for two-way traffic and according to Table I, subsection 510.17, subdivision 2(d) of this code for one-way traffic;
 - (iii) The edge of the curb opening shall not be closer to the nearest portion of a street right-of-way intersection than 75 feet or two-thirds of the lot width, whichever is smaller;

- (iv) Where a intersection exits, a drive may be located opposite the end of the intercepted street;
 - (v) The minimum driveway angle to the street shall be 60 degrees.
- (5) All parking and hard surface areas shall be:
- (i) no closer than ten feet from any street right-of-way;
 - (ii) no closer than five feet from any side lot line, except for a common drive approved by the adjoining property owners and the city;
 - (iii) no closer than five feet from any rear lot line unless adjacent to an alley, then the setback shall be increased to ten feet;
 - (iv) no closer than five feet from the main building;
 - (v) curbed with minimum driveway access radii of ten feet to match the existing street curb or sidewalk.
- (6) Loading docks:
- (i) outside loading docks shall be located in the rear or side yard and be properly screened;
 - (ii) the space needed for the loading docks must be adequate to handle the loading and unloading needs, without obstructing the public right-of-way.
- (7) Off-street parking shall be provided for all vehicles concerned with any use on the lot.
- (8) Parking lots with more than four parking stalls shall be striped.
- (9) Sufficient concrete areas may be required for motorcycle parking in addition to the required vehicle parking stalls.
- (10) Bike racks may be required by the city in an area that is convenient to each major building entrance and will not disrupt pedestrian or vehicular traffic or fire lanes.
- (11) Safety signs, markings and traffic control devices may be required, to promote vehicular and pedestrian safety.

Subd. 8. Landscape requirements:

- (a) all open areas of any site, except for areas used for parking, driveways or storage shall be landscaped and be incorporated in a landscape plan;
- (b) the landscape plan shall be submitted for approval by the city and indicate the location, size and species, and method and quantity of all proposed plants including designation of any existing vegetation which is to be removed or which will remain with construction;
- (c) underground lawn sprinkling systems, or other provision for watering, shall be provided to maintain the lawns and landscaping within the boulevards, front and side yard areas.

Subd. 9. Performance standards.

- (a) Parking facilities: All driveways, parking areas and loading docks shall be surfaced with blacktop, concrete or other hard surface material approved by the city.
- (b) Exterior storage: All materials and commercial equipment shall be kept in a building and nothing shall be stored outside.
- (c) Refuse: All waste materials, refuse or garbage shall be contained in closed containers as required by section 605 of the city code.
- (d) Screening:
 - (1) all required screening shall be according to subsection 510.25, subdivision 2 of this code.
 - (2) plantings shall not be placed so as to obstruct lines of sight at street corners and driveways.
 - (3) Screening of off-street parking shall be required for:
 - (i) any off-street parking area requiring more than four spaces or adjoining a residential district;
 - (ii) any driveway to a parking area of four or more spaces within 30 feet of an adjoining residential district.
 - (4) All trash or garbage storage receptacles must be located in the rear or side yard and be totally screened from view from any public right-of-way. Provisions must be taken to protect screening from vehicle damage.
 - (5) All roof equipment, except alternate energy devices must be screened from public view unless the equipment is designed as an integral part of the building and is compatible with the lines of the building, as determined by the city.

- (e) Drainage and grade requirements: A finished ground grade shall be established such that natural drainage away from all buildings is provided. The following minimum criteria shall apply:
- (1) the minimum elevation of finished grade shall not be less than one-fourth inch rise per horizontal foot of setback measured from curb grade;
 - (2) the city may specify a minimum finished ground grade for any structure in order to allow proper drainage and connection to city utilities.
- (f) Landscaping: The following shall be minimum criteria for landscaping:
- (1) it shall be the owner's responsibility to see that all required landscaping is maintained in an attractive, well kept condition;
 - (2) all vacant lots, tracts or parcels shall be properly maintained in an orderly manner free of litter and junk;
 - (3) all uses shall provide water facilities to yard areas for maintenance and landscaping.
- (g) Maintenance: It shall be the responsibility of the property owner to ensure that:
- (1) Every exterior wall, foundation and roof of any building or structure shall be reasonably watertight, weathertight, and rodentproof, and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears or breaks of deteriorated plaster, stucco, brick, wood or other materials that gives evidence of long neglect.
 - (2) The protective surface on exterior walls of a building shall be maintained in good repair and provide a sufficient covering and protection of the structural surface against its deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if:
 - (i) more than 25% of the area of any plane or wall on which the protective surface is blistered, cracked, flaked, scaled or chalked away; or
 - (ii) more than 25% of the pointing of any brick or stone wall is loose or has fallen out.
 - (3) Every yard and all structures, walls, fences, walks, steps, driveways, landscaping and other exterior developments shall be maintained in an attractive, well kept condition.

- (4) The boulevard area of a premise shall be properly maintained, groomed, and cared for by the abutting property owner.
- (h) Essential services:
 - (1) connection is required on each lot served by city sanitary sewer;
 - (2) connection is required on each lot served by city water line.

Section 521 - Zoning: downtown district
(Added, Ord. No. 98-08)

521.01. DD-1 - downtown district. Subdivision 1. Purpose. A district to preserve and enhance the existing pedestrian character of the downtown commercial area, to permit uses that promote conversion of existing buildings and the development of new buildings in a manner that maintains the visual character and architectural scale of existing development within the district, to promote the transformation of the downtown into an even more compact pedestrian- and transit-oriented mixed-use area with a traditional “main street” character, and to establish reasonable development standards and regulations which support these objectives. This district is intended to facilitate the implementation of those portions of the comprehensive plan that set policies for the downtown, as well as policy direction from goals and objectives adopted by the economic development authority.

With respect to relationship to other applicable regulations and enforcement, in addition to the provisions specified in this district, all property located within this district shall be subject to all the applicable standards, procedures and regulations of sections 505, 510, 530 and 535. Where the provisions of this district and the sections specified above are in conflict, the provisions of this district shall apply except for section 530.07, “downtown architectural guidelines overlay district” in which case the provisions of the overlay district shall govern.

Subd. 2. Permitted uses. The following are permitted uses, up to 10,000 square feet in gross floor area, in the downtown district:

- (a) retail uses including, but not limited to, the sale of hardware, paint and wallpaper, meat market, bakery, grocery food items, gifts, flowers, drug store/pharmacy, books, hobby supplies, jewelry, antiques, new wearing apparel, pets and pet supplies, marine tropical fish sales and service, and craft shops making articles exclusively for sale at retail on the premises. (Amended, Ord. No. 12-02)
- (b) personal services including, but not limited to, tailor, dry cleaners, laundromat, copy centers including those with ancillary computer stations, barber shop, beauty salon, and shoe repair.
- (c) food retail services including, but not limited to, restaurant, delicatessen, coffee shop, ice cream shop, and convenience food establishment, excluding those establishments that provide drive-through window service.
- (d) professional offices including, but not limited to those for lawyers, engineers, accountants, urban planners, and architects.

- (e) medical office or including, but not limited to, dentists, doctors, optometrists, chiropractors, psychiatrists, and other practitioners of the healing arts for humans but excluding any such use where the principal services rendered are related to drug or alcohol detoxification.
- (f) business offices including, but not limited to, financial and banking services, real estate sales, travel agency, and insurance sales, but excluding check cashing and temporary employment agency.
- (g) blueprinting, printing, lithography, silk-screening, and sign painting.
- (h) studios or academies including, but not limited to, those for dance, art, drama, music, martial arts, and photography.
- (i) public utilities, civic uses, and essential public services.
- (j) gasoline service stations existing on date of adoption of this section.
- (k) light manufacturing and/or repair of small precision goods such as watches, dental, surgical or optical goods, needlework, jewelry, television, radio computer or electronic assembly, provided that all activities are totally enclosed within a structure and provisions are made to control and reduce noise.

Subd. 3. Permitted accessory uses. Permitted accessory uses in the downtown district (DD-1) are:

- (a) off-street parking as regulated by subsection 510.17 of this code, with the exception of subsection 510.17, subdivision 7 “number of spaces required”. For the number of spaces required in the downtown district (DD-1), see subdivision 7 of this district.
- (b) off-street loading as regulated by subsection 510.19 of this code.
- (c) signs, as regulated by subdivision 9 of this district.
- (d) open or outdoor service, sales and equipment rental provided that the outside use is limited to 25% of the gross floor area of the principal use to a maximum of 2,500 square feet, whichever is less.

Subd. 4. Conditional uses. The uses described in this subsection require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code, provided that such conditions are based on the consideration of the purpose of this district, the downtown architectural design guidelines and the appropriateness of the use with respect to design or other compatibility with surrounding uses, pedestrian amenity, parking layout, vehicular ingress and egress and other site plan consideration. Conditional uses are the following:

- (a) Permitted uses listed in subdivision 2 that exceed a gross floor area of 10,000 square feet in buildings that have a footprint of no more than 20,000 square feet.
- (b) Multiple dwellings or senior housing provided that the units are contained in a mixed residential-commercial use building, provided that no more than 50% of the ground floor shall be used for residential purposes and that no portion of the West Broadway frontage may be used for residential dwelling units. (Amended, Ord. No. 08-02)
- (c) Residential and commercial uses on the same floor.
- (d) Hotels, provided that no more than 50% of the ground floor shall be used for hotel guest rooms and that no portion of the West Broadway frontage may be used for hotel guest rooms.
- (e) Theaters (not of the drive-in type).
- (f) Planned unit developments as regulated by subsection 530.05 of this code.
- (g) Off-street parking areas in excess of 125% of the minimum specified in subdivision 7 of this downtown district.
- (h) Shared and joint public parking.
- (i) Open or outdoor service, sales and equipment rental accessory use that exceeds 2,500 square feet provided that:
 - (1) The outdoor area devoted to service, sales and equipment rental, connected with the principal use, is limited to 25% of the gross floor area of the principal use.
 - (2) Outdoor areas are landscaped and fenced or screened from view of neighboring uses.
 - (3) All areas shall be asphalt or concrete surfaced.
 - (4) The use shall not take up parking space or loading areas as required for conformity to this section. (Added, Ord. No. 00-04)
- (j) Farmers market subject to rules and regulations adopted from time to time via resolution by the city council. (Added, Ord. No. 00-04)

- (k) Retail sale of second hand, used or consignment wearing apparel, accessories, costume jewelry, shoes, boots or furniture occupying up to 2,250 sq. ft. or 25% of the gross floor area of the building (whichever is less) provided that: (Added, Ord. No.12-02)
- (1) There will be no exterior storage of used or consignment goods;
 - (2) There shall be no loading or unloading of used or consignment goods across a public sidewalk or from a public street, or such activities must be by appointment only;
 - (3) There is conformance with licensing requirements under Section 1135.05;
 - (4) It is not located in the B4p overlay district or it is excepted from the requirements of B4p by 530.02, Subd. 8(k).
- (l) Nonproduction brewery dispensing malt liquor brewed on the premises and served in a taproom in compliance with Minnesota Statutes, Section 340A.301, subd. 6 (i) or 6 (j) and the licensing requirements in city code section 1200, provided that:
- (1) One parking space per 500 sq. ft. for brewery, processing, production, or storage or cooler areas and 1 parking space per 400 sq. ft. for taproom and office areas;
 - (2) All bulk deliveries shall be to the rear of the building and screened from residential uses;
 - (3) Primary access for employees and patrons will be from the parking lot;
 - (4) There is no outdoor storage of any brewing materials;
 - (5) Outdoor taproom seating and service areas shall require a conditional use permit pursuant to section 521.01, subd. 4(i) regardless of size and shall be regulated by city code section 1200.03, subd. 5 and 1205.23, subd. 4;
 - (6) The building architecture shall be compatible with the surrounding area and be consistent with the downtown architectural design guidelines; and
 - (7) Brewery production and operations areas shall be no more than 50% of the Gross Floor Area of the building.
- (m) A cocktail room served by a microdistillery with production of distilled spirits at the property limited to 5,000 proof gallons in a calendar year licensed under Minnesota Statutes, Section 340A.22, subdivision 6c provided that:
- (1) One parking space per 500 sq. ft. for the microdistillery, processing, production and storage areas and 1 parking space per 400 sq. ft. for cocktail room and office areas;
 - (2) All bulk deliveries shall be to the rear of the building and screened from residential uses;
 - (3) Primary access for employees and patrons shall be from the parking lot;

- (4) There is no outdoor storage of any materials used in the distilling process;
- (5) Outdoor cocktail seating and service areas shall require a conditional use permit pursuant to section 521.01, subd. 4(i) regardless of size and shall be regulated by the licensing section of city code; and
- (6) The building architecture shall be compatible with the surrounding area and be consistent with the downtown architectural design guidelines.

(Added, Ord. No. 14-21; Added, Ord. No. 15-07)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in the downtown district (DD-1):

- (a) Lot area: 2,500 square feet.
- (b) Lot width: 25 feet.
- (c) Setback and building orientation:
 - (1) Front yards: In order to reinforce the existing building line and to facilitate pedestrian access and circulation, all new principal buildings constructed after July 21, 1998 shall be built to within three feet of the front property line and shall be oriented so that the front of the building faces the public street. In the case of a corner lot, the building shall be built to within three feet of the front and corner-side property lines abutting each street, except that the ground floor of any building and any fences, walls, posts, trees, bushes or any plant life shall be set back in such a manner so as not to materially impede vision between a height of three feet and ten feet above the centerline grades of the intersection streets in the triangle bounded by the curb lines of such corner lot and a straight line joining points on such curb lines 20 feet from their intersection. Exceptions to the maximum setback of three feet are also permitted up to 15 feet, if the setback is pedestrian oriented and the design of the space contributes to the quality and character of the streetscape. (Amended, Ord. No. 99-15)
 - (2) Side yards: Zero maximum, except where the side yard contains a driveway in compliance with this code or where otherwise permitted as part of a conditional use permit.
 - (3) Rear yard: Zero required.

Subd. 6. Height. No structure shall exceed four stories or 50 feet in height except as provided in subsection 510.15, subdivision 1.

Subd. 7. Parking requirements. The following minimum areas shall be provided and maintained by ownership, easement, or lease or combination thereof for and during the life of the respective uses as hereinafter set forth:

- (a) retail uses: one space for every 400 square feet of gross floor area;
- (b) personal services: one space for every 400 square feet of gross floor area;
- (c) food retail services: one space for each eight seats based upon design; where there is no design layout, or where floor area is provided for patron use but not containing fixed seats, one space for each 200 square feet of gross floor area;
- (d) professional offices: one space for every 500 square feet of gross floor area;

- (e) medical offices or clinics for medical practitioners: one space for each 300 square feet of gross floor area;
- (f) business offices: one space for every 500 square feet of gross floor area;
- (g) blueprinting, printing, lithography, silk-screening, and sign painting: one space for every 400 square feet of gross floor area;
- (h) studios or academies: one space for every 400 square feet of gross floor area;
- (i) multiple dwelling units: one space per unit;
- (j) senior housing: one-half space per unit; (Amended, Ord. No. 08-02)
- (k) hotels: one space per each guest room plus one additional space for each 10 rooms;
- (l) theaters: one space per five seats;
- (m) light manufacturing and/or repair of small precision goods: one space for every 500 square feet of gross floor area.

Subd. 8. Landscaping requirements. All open areas of any site, except for that portion used for parking, driveways, and storage shall be landscaped and incorporated in a landscape plan, in accordance with the following:

- (a) landscaping shall be provided between parking lots and any adjacent public street, walk, or right-of-way; a landscaped area of at least three feet in width shall be provided, and contain a streetwall of a maximum total height of four feet, trees, or hedge maintained at least 36 inches in height above grade, to form a visual screen;
- (b) the remainder of the landscaped area shall be planted with trees, ground cover, low shrubs or flowering plants;
- (c) a performance bond is required in accordance with section 510.25, subdivision 2 (a)(2).

Subd. 9. Signs. Signs are permitted in accordance with the regulations in subsection 410.09 of this code, with the exception of subdivision 3 “business district”. Signs in the downtown district must comply with the following:

- (a) Type.
 - (1) An establishment may erect wall signs or projecting signs, or a combination thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 10-09, Sec. 2)

- (2) Roof signs are prohibited. (Amended, Ord. No. 10-09, Sec. 2)
 - (3) Freestanding or pylon signs, permanent or temporary, shall not be permitted, except for joint or shared parking uses and monument signs no higher than six feet. Joint or shared parking signs shall not exceed 24 square feet nor a maximum height of 10 feet, and may only identify parking directions, locations, and parking use operator, and shall not associate the parking use with an individual business name or logo. (Amended, Ord. No. 00-10; Ord. No. 10-09, Sec. 2)
 - (4) Mural scenes or designs painted directly on an exterior building wall that are intended as decorative or ornamental features are permitted with the prior approval of the city council. Murals that include text, numbers, trademarks, logos or other forms of business advertisement shall be considered painted wall signs and must comply with the regulations of this code. Murals that are not painted wall signs are not regulated by clauses (b) and (c). (Amended, Ord. No. 10-09, Sec. 2)
 - (5) Sandwich board signs, one per business establishment, are permitted provided that they are located on the sidewalk in front of the business establishment and do not block pedestrian use of the sidewalk. Each side of the sandwich board sign shall not exceed nine square feet. Sandwich board signs are not regulated by clauses (b) and (c). (Amended Ord. No. 10-09, Sec. 2)
- (b) Number. An establishment may erect any number of wall or projecting signs provided that the total area does not exceed the total permitted area established in subdivision 9(c), building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 00-10)
- (c) Size and materials.
- (1) The maximum total area of all signs on a façade of a business establishment shall not exceed three square feet per one lineal foot of business establishment frontage, not to exceed a maximum of 100 square feet. Window signs shall not be included in the above calculation and shall not exceed one-third of the glazed area of the window. Signs may be externally illuminated and shall be made of metal, painted wood or other painted similar material, but no acrylic signs or acrylic back-lit signs are permitted. Signs with limited acrylic material and limited back-lighting may be approved by the city council. Signs shall be placed on the building so as not to obscure architectural features and detail. (Amended, Ord. No. 00-10)

- (2) The maximum area of any individual wall sign shall not exceed two square feet per one lineal foot of business establishment frontage. The maximum area of any projecting sign shall not exceed six square feet.

Subd. 10. Performance standards.

- (a) Parking facilities: All driveways, parking areas, and loading docks shall be surfaced with blacktop, concrete, brick pavers, or other impervious material approved by the city. All parking areas shall have B6-12 poured concrete curbing installed on their perimeters and safety islands, and be in conformance with all other design requirements specified in subsection 520.01, subdivision 8(d).
- (b) Exterior storage: All materials and commercial equipment shall be kept inside a building and nothing shall be stored outside except that which has received a conditional use permit under subdivision 3(d) of this district.
- (c) Refuse: All waste materials, refuse, or garbage shall be kept in closed containers and screened as required by subsection 520.01, subdivision 10(d)(4) and by section 605 of the city code.
- (d) Screening:
 - (1) All required screening shall be according to subsection 510.25, subdivision 2 of this code.
 - (2) Plantings shall not be placed so as to obstruct lines of sight at street corners and driveways.
 - (3) Screening of off-street parking shall be required for:
 - (i) any off-street parking area requiring more than four spaces;
 - (ii) any driveway to a parking area of four or more spaces.
 - (4) All trash or garbage storage receptacles must be located in the rear or side yard and be totally screened from view from any public right-of-way. Provisions must be taken to protect screening from vehicle damage.
 - (5) All roof equipment, except alternate energy devices, must be screened from public view unless the equipment is designed as an integral part of the building and is compatible with the lines of the building, as determined by the city.

- (e) Drainage and grade requirements: A finished ground grade shall be established such that natural drainage away from all buildings is provided. The following minimum criteria shall apply:
 - (1) the minimum elevation of finished grade shall not be less than one-fourth inch rise per horizontal foot of setback measured from curb grade;
 - (2) the city may specify a minimum finished ground grade for any structure in order to allow proper drainage and connection to city facilities.
- (f) Landscaping: Regular maintenance of all landscaping, as dictated by site conditions, shall be required. Failure to provide regular and required maintenance to consistently comply with and meet the intent of this section shall constitute a violation of this code. All uses shall provide water facilities to yard areas for maintenance and landscaping.
- (g) Exterior maintenance: It shall be the responsibility of the property owner to ensure that the exterior of any building or structure is kept in a good state of maintenance and repair. The boulevard area of a premise shall be properly maintained, groomed, and cared for by the abutting property owner.
- (h) Essential services: Underground connection is required on each lot served by electrical service, city sanitary sewer and city water line.
- (i) Lighting: In addition to section 510.25, subdivision 5, all lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residential uses. (Added, Ord. No. 00-04)

521.03. (Added, Ord. No. 10-04) DD-2 – Downtown transition and transit district. Subdivision 1. Purpose. A district to provide for the transition of land use from the downtown commercial district with its traditional architecture and compact pedestrian development patterns to the lower density residential districts which accommodates mixed uses and regional transit facilities with transit oriented development.

Subd. 2. Permitted uses. The permitted uses in the DD-2 district are:

- (a) Retail uses including, but not limited to, the sale of hardware, paint and wallpaper, meat market, bakery, grocery food items, gifts, flowers, drug store/pharmacy, books, hobby supplies, jewelry, antiques, wearing apparel, pets and pet supplies, marine tropical fish sales and service, and craft shops making articles exclusively for sale at retail on the premises.
- (b) Personal services including, but not limited to, tailor, dry cleaners, laundromat, copy centers including those with ancillary computer stations, barber shop, beauty salon, and shoe repair.
- (c) Food retail services including, but not limited to, restaurant, delicatessen, coffee shop, ice cream shop, and convenience food establishment, excluding those establishments that provide drive-through window service.

- (d) Professional offices including, but not limited to, those for accountants, architects, engineers, lawyers, surveyors, and urban planners.
- (e) Medical offices including, but not limited to, dentists, doctors, optometrists, chiropractors, psychiatrists, and other practitioners of the healing arts, for humans but excluding any such use where the principal services rendered are related to drug or alcohol detoxification.
- (f) Business offices including, but not limited to, financial and banking services, real estate sales, travel agencies, and insurance sales, but excluding check cashing, and temporary employment agencies.
- (g) Blueprinting, printing, lithography, silk-screening and sign painting.
- (h) Public utilities, civic uses and essential public services.
- (i) Light or custom manufacturing and/or repair of small precision goods such as watches, dental, surgical or optical goods, needlework, jewelry, television, radio, computer or electronic assembly, provided that all activities are totally enclosed within a structure and provisions are made to control and reduce noise.
- (j) Open parking lots and parking ramps available to the general public.
- (k) Townhouse, condominium and cooperative developments in conformance with sections 515.05 and 515.09.

Subd. 3 . Permitted accessory uses. Permitted accessory uses in the DD-2 district are:

- (a) All accessory uses in the DD-1 district except as hereinafter modified.
- (b) Off-street parking as regulated by section 521.01, subdivision 7 of this code.

Subd. 4. Conditional uses. The uses described in this subsection require a conditional use permit in the DD-2 district based upon procedures set forth in and regulated by subsection 535.01 of this code, and are the following:

- (a) Public transit facilities or terminals provided:
 - (1) the site and related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
 - (2) an off-street rider drop-off and pick-up drive and entrance is provided;
 - (3) vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement; and

- (4) when abutting an R-1 or R-2 district a buffer area with screening and landscaping in compliance with subsection 510.25, subdivision 2 of this code shall be provided.
- (b) Planned Unit Developments as regulated by subsection 530.05 of this code.
- (c) Multiple dwellings or senior housing in conformance with section 515.05, subdivision 6, with at least half of the required parking provided underground.
- (d) Hotels and motels.
- (e) Mixed-use buildings combining any of the following: commercial, office, multiple residential dwellings, senior housing or hotels permitted in this district.
- (f) Farmer's market subject to requirements adopted by City Council resolution.
- (g) Privately owned parking ramps as a principal or accessory use and privately owned parking lots as a principal use in compliance with section 515.07, subdivision 4 (e).
- (h) Buildings in excess of three stories or 40 feet in compliance with section 515.07, subdivision 4(f).
- (i) A cocktail room served by a microdistillery with production at the property of distilled spirits limited to 5,000 proof gallons in a calendar year licensed under Minnesota Statutes, Section 340A.22, subdivision 6c in accordance with the requirements specified in section 521.01, subd. 4 (m).

(Added, Ord. 15-07)

Subd. 5. Lot requirements and setbacks. The following minimum requirements shall be observed in a DD-2 district subject to additional requirements, exceptions and modifications set forth in this code.

- (a) Lot area: 6,000 square feet.
- (b) Lot width:
 - (1) Multiple family or townhouse dwelling unit: 60 feet;
 - (2) Other DD-2 permitted uses: 50 feet;
 - (3) DD-2 conditional uses: the least restrictive lot width requirement where the use is permitted.
- (c) Setbacks:
 - (1) Front yards: Zero, unless a front yard which contains a private driveway with one-way traffic movement shall be 15 feet or with two-way traffic movement shall be 20 feet;
 - (2) Side yards: Zero, except:

- (i) A side yard which contains a private driveway with one-way traffic movement shall be 15 feet or with two-way traffic movement shall be 20 feet.
 - (ii) A side yard which abuts an R-1 or R-2 district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.
- (3) Rear yard: 20% of lot depth which if abutting an R-1 or R-2 district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 6. Building requirements. As required in section 515.07.

Subd. 7. Parking requirements. The following minimum areas shall be provided and maintained by ownership, easement, or lease or combination thereof for and during the life of the respective uses as hereinafter set forth:

- (a) retail uses: one space for every 400 square feet of gross floor area;
- (b) personal services: one space for every 400 square feet of gross floor area;
- (c) food retail services: one space for each eight seats based upon design; where there is no design layout, or where floor area is provided for patron use but not containing fixed seats, one space for each 200 square feet of gross floor area;
- (d) professional offices: one space for every 500 square feet of gross floor area;
- (e) medical office or clinics for medical practitioner: one space for each 300 square feet of gross floor area;
- (f) business offices: one space for every 500 square feet of gross floor area;
- (g) blueprinting, printing, lithography, silk-screening, and sign painting: one space for every 400 square feet of gross floor area;
- (h) studios or academies: one space for every 400 square feet of gross floor area;
- (i) multiple dwelling units: one space per unit;
- (j) senior housing: one-half space per unit;
- (k) hotels: one space per each guest room plus one additional space for each ten rooms;
- (l) light manufacturing and/or repair of small precision goods: one space for every 500 square feet of gross floor area.

Subd. 8. Landscaping requirements. All open areas of any site, except for that portion used for parking, driveways, and storage shall be landscaped and incorporated in a landscape plan, in accordance with the following:

- (a) landscaping shall be provided between parking lots and any adjacent public street, walk, or right-of-way; a landscaped area of at least three feet in width shall be provided, and contain a streetwall of a maximum total height of four feet, trees, or hedge maintained at least 36 inches above grade 3, to form a visual screen;
- (b) the remainder of the landscaped area shall be planted with trees, ground cover, low shrubs or flowering plants;
- (c) a performance bond is required in accordance with section 510.25, subdivision 2 (a)(2).

Subd. 9. Signs. Signs are permitted in accordance with the regulations in subsection 410.09 of this code, with the exception of subdivision 3 “business district.” Signs in the DD-2 downtown transition and transit district must comply with the following:

- (a) Type.
 - (1) An establishment may erect wall signs or projecting signs, or a combination thereof as regulated by clauses (b) and (c).
 - (2) Roof signs are prohibited.
 - (3) Freestanding or pylon signs, permanent or temporary, shall not be permitted, except for joint or shared parking uses and public transit message center signs and monument signs. Monument signs: such signs shall not exceed six feet in height. Joint or shared parking signs: such signs shall neither exceed 24 square feet nor a maximum height of ten feet, and may only identify parking directions, locations and parking use operator, and shall not associate the parking use with an individual business name or logo. Public transit message center signs: such signs shall not exceed 12 feet in height. (Amended, Ord. No. 14-08)
 - (4) Mural scenes or designs painted directly on an exterior building wall that are intended as decorative or ornamental features are permitted with the prior approval of the City Council. Murals that include text, numbers, trademarks, logos or other forms of business advertisement shall be considered painted wall signs and must comply with the regulations of this code. Murals that are not painted wall signs are not regulated by clauses (b) and (c).
 - (5) Sandwich board signs, one per business establishment, are permitted provided that they are located on the sidewalk in front of the business establishment and do not block pedestrian use of the sidewalk. Each side of the sandwich board sign shall not exceed nine square feet. Sandwich board signs are not regulated by clauses (b) and (c).
- (b) Number. An establishment may erect any number of wall signs provided that the total area does not exceed the total permitted area established in subdivision 9 (c). Building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersection at greater than 160 degrees interior angle are considered one wall.

(c) Size and materials.

- (1) The maximum total area of all wall signs on a façade of a business establishment shall not exceed three square feet per one lineal foot of business establishment frontage, not to exceed a maximum of 100 square feet. Window signs shall not be included in the above calculation and may not exceed one-third of the glazed area of the window. Signs may be externally illuminated and shall be made of metal, painted wood or other painted similar material, but no acrylic material and limited backlighting may be approved by the City Council. Signs shall be placed on the building so as not to obscure architectural features and detail.
- (2) The maximum area of any individual wall sign shall not exceed two square feet per one lineal foot of business establishment frontage. The maximum area of any projecting sign shall not exceed six square feet.

Subd. 10. Performance standards.

- (a) **Parking facilities:** All driveways, parking areas and loading docks shall be surfaced with blacktop, concrete, brick pavers or other impervious material approved by the City. All parking areas shall have B6-12 poured concrete curbing installed on their perimeters and safety islands, and be in conformance with all other design requirements specified in subsection 520.01, subdivision 8 (d).
- (b) **Exterior storage:** All materials and commercial equipment shall be kept inside a building and nothing shall be stored outside except that which has received a conditional use permit.
- (c) **Refuse:** All waste materials, refuse, or garbage shall be kept in closed containers and screened as required by subsection 520.01, subdivision 10 (d)(4) and by section 605 of the city code.
- (d) **Screening:**
 - (1) All required screening shall be according to subsection 510.25, subdivision 2 of this code.
 - (2) Plantings shall not be placed so as to obstruct lines of sight at street corners and driveways.
 - (3) Screening of off-street parking shall be required for:
 - (i) any off-street parking area requiring more than four spaces;
 - (ii) any driveway to a parking area of four or more spaces.
 - (4) All trash or garbage storage receptacles must be located in the rear or side yard and be totally screened from view from any public right-of-way. Provisions must be taken to protect screening from vehicle damage.

- (5) All roof equipment, except alternate energy devices must be screened from public view unless the equipment is designed as an integral part of the building and is compatible with the lines of the building, as determined by the City.
- (e) Drainage and grade requirements: A finished ground grade shall be established such that natural drainage away from all buildings is provided. The following minimum criteria shall apply:
- (1) the minimum elevation of finished grade shall not be less than one-fourth inch rise per horizontal foot of setback measured from curb grade;
 - (2) the City may specify a minimum finished ground grade for any structure in order to allow proper drainage and connection to City facilities.
- (f) Landscaping: Regular maintenance of all landscaping as dictated by site conditions, shall be required. Failure to provide regular and required maintenance to consistently comply with and meet the intent of this section shall constitute a violation of this code. All uses shall provide water facilities to yard areas for maintenance and landscaping.
- (g) Exterior maintenance: It shall be the responsibility of the property owner to ensure that the exterior of any building or structure is kept in a good state of maintenance and repair. The boulevard area of a premise shall be properly maintained, groomed and cared for by the abutting property owner.
- (h) Essential services: Underground connection is required on each lot served by electrical service, City sanitary sewer and City water line.
- (i) Lighting: In addition to section 510.25, subdivision 5, all lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residential uses.

Section 525 - Zoning: industrial districts

525.01. B-W, Business-warehouse District. Subdivision 1. Purpose. A district to provide for establishment of wholesale and retail trade, large volume or bulk commercial items, warehousing, and light industry or processing.

Subd. 2. Permitted uses. Permitted uses in a B-W district are:

- (a) all permitted uses allowed in B-1, B-2, B-3, and B-4 districts except as hereinafter modified;
- (b) animal hospitals and clinics but not including kennels;
- (c) automobile sales;
- (d) battery sales and rebuilding;
- (e) building materials establishments;
- (f) commercial greenhouse;
- (g) fuels, but not including service stations;
- (h) lumber yards;
- (i) monument sales;
- (j) plumbing, showrooms and shops;
- (k) print shops;
- (l) sign shops;
- (m) trailer sales;
- (n) warehousing and storage, but not including junk yards;
- (o) wholesale distribution;
- (p) wholesale meat processing;
- (q) fence sales and service.

Subd. 3. Permitted accessory uses. Permitted accessory uses in a B-W district are:

- (a) all accessory uses allowed in B-1, B-2, B-3, and B-4 districts except as hereinafter modified.

Subd. 4. Conditional uses. The area described in this subdivision require a conditional use permit based upon procedures set forth in and regulated by subsection 535.01 of this code and are the following:

- (a) All conditional uses allowed in B-1, B-2, B-3 and B-4 districts except as hereinafter modified:
 - (1) no residential dwelling units.
- (b) Research and testing laboratories provided that:
 - (1) the ventilation system shall be designed so that no odor or organisms will spread to the outside air;
 - (2) conformance with the performance standards as outlined in subsection 510.25 of this code;
 - (3) additional conditions may be imposed in certain instances to protect the health, safety and general welfare of the residents of the city;
- (c) Motorcycle, snowmobile, truck in excess of 9,000 pounds gross weight, and similar motorized machines or equipment sales and service provided that:
 - (1) all sales and servicings are conducted within a structure;
 - (2) provisions are made to control and reduce noise;
 - (3) no outside storage except as allowed in compliance with subsection 520.09, subdivision 4(e) of this code;
 - (4) such use is not within 100 feet of a residential use or residential district;
 - (5) the location of such use will not encourage motorcycle traffic through a residential district;
 - (6) the provisions of subsection 535.01, subdivision 2(e) of this code are considered and satisfactorily met.
- (d) Automobile repair - major, provided that:
 - (1) no outside storage except as allowed in compliance with section 520.09, subdivision 4(e) of this code;
 - (2) all servicing is conducted within a structure;
 - (3) provisions are made to control and reduce noise;

- (4) adequate parking is provided in compliance with subsection 510.17 of this code;
- (5) passenger vehicles and trucks in an inoperative state or unlicensed and unregistered shall not be parked or stored in an outside location for a period exceeding 30 days;

Subd. 5. Lot requirements and setback requirements. The following minimum requirements shall be observed in a B-W district subject to additional requirements, exceptions and modifications set forth in this code.

- (a) Lot area: no minimum.
- (b) Lot width: no minimum.
- (c) Setbacks:
 - (1) front yard: zero
 - (2) side yard: zero unless:
 - (i) a side yard that contains a driveway shall be at least 15 feet if there is one-way traffic movement or at least 20 feet if there is two-way traffic movement;
 - (ii) a side yard that directly abuts a residential use or residential district shall be increased ten additional feet over the minimum stated above and shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.
 - (3) Rear yard: 12 feet and if abutting a residential use or residential district, shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 6. Building requirements:

- (a) Height: No structure shall exceed three stories or 40 feet except as provided in subsection 510.15, subdivision 1 of this code.

Section 530 - Zoning: special districts and regulated uses

530.01. Flood plain management district. Subdivision 1. Purpose. The purpose of the FP, Flood Plain Management District is to provide for the protection and preservation of water channels and those portions of the adjoining flood plains which are reasonably required to carry and discharge a regional flood and are subject to inundation by regional floods. It is the intent of this district to be applied to those areas which, if left unrestricted, could result in loss of life and property, health and safety hazards, disruption of commerce, utilities and governmental services, extraordinary public expenditures for flood plain protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Subd. 2. General.

- (a) Land to which the regulations apply. This subsection shall apply to all lands within the jurisdiction of the city of Robbinsdale listed as FP district and shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway, flood fringe, or general flood plain districts. (Amended, Ord. 4-10)
- (b) Establishment of official zoning map. The official zoning map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this subsection. The attached material shall include the flood insurance study, Volume 1 of 2 and Volume 2 of 2, Hennepin County, Minnesota, all jurisdictions and the flood insurance rate map panels numbered 27053C0211 E, 27053C0212 E, 27053C0213 E, and 27053C0214 E for the city of Robbinsdale dated September 2, 2004 as developed by the Federal Emergency Management Agency. The official zoning map shall be on file in the office of the city clerk and zoning administrator. (Amended, Ord. 04-10)
- (c) Regulatory flood protection elevation (RFPE). The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- (d) Interpretation.
 - (1) In their interpretation and application, the provisions of this subsection shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

- (2) The boundaries of the flood plain districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the planning commission shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile the ground elevations that existed on the site at the time the city adopted its initial floodplain regulations and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the planning commission and to submit technical evidence. (Amended, Ord. 04-10)
- (e) Abrogation and greater restrictions. It is not intended by this subsection to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this subsection imposes greater restrictions, the provisions of this subsection shall prevail.
- (f) Warning and disclaimer of liability. This subsection does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This subsection shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this subsection or any administrative decision lawfully made thereunder.
- (g) Severability. If any section, clause, provision, or portion of this subsection is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subsection shall not be affected thereby.
- (h) Definitions. Unless specifically defined below or in subsection 505.09, other words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this subsection its most reasonable application. (Amended, Ord. 04-10)
- (1) “Accessory use or structure” – In addition to the meaning in section 505.09, subdivision 2, means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. (Added, Ord. 04-10)
- (2) "Basement" means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- (3) “Conditional use” – In addition to the meaning in section 505.09, subdivision 20 means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (Added, Ord. 04-10)

- (i) certain conditions as detailed in the zoning ordinance exist and (Added, Ord. 04-10)
 - (ii) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood. (Added, Ord. 04-10)
- (4) “Equal degree of encroachment” – (See section 505.09, subdivision 42)
 - (5) “Flood” – (See section 505.09, subdivision 46)
 - (6) “Flood frequency” – (See section 505.09, subdivision 47)
 - (7) “Flood fringe” – (See section 505.09, subdivision 48)
 - (8) “Flood plain” – (See section 505.09, subdivision 49)
 - (9) “Flood proofing” – (See section 505.09, subdivision 51)
 - (10) “Floodway” – (See section 505.09, subdivision 52)
 - (11) “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor. (Added, Ord. 04-10)
 - (12) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.” (Added, Ord. 04-10)
 - (13) “Obstruction” – (See section 505.09, subdivision 81)
 - (14) “Principal use or structure” – In addition to the meaning in section 505.09, subdivision 92 means all uses or structures that are not accessory uses or structures. (Added, Ord. 04-10)
 - (15) “Reach” – (See section 505.09, subdivision 93)
 - (16) “Recreational vehicle” – in addition to the meaning in section 505.09, subdivision 94 means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this subsection, the term recreational vehicle shall also be synonymous with the term travel trailer/travel vehicle. (Added, Ord. 04-10)

- (17) “Regional flood” – (See section 505.09, subdivision 95)
- (18) “Regulatory flood protection elevation” – (See section 505.09, subdivision 96)
- (19) “Structure” – In addition to the meaning in section 505.09, subdivision 106 means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in subdivision 9(c)(i) of this subsection and other similar items. (Amended, Ord. 04-10)
- (20) “Substantial damage” means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. (Added, Ord. 04-10)
- (21) “Substantial improvement” – within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (Added, Ord. 04-10)
 - (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. (Added, Ord. 04-10)
 - (ii) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this subsection, “historic structure” shall be defined in Code of Federal Regulations, Part 59.1. (Added, Ord. 04-10)
- (22) “Variances” – in addition to the meaning in section 505.09, subdivision 113 means a modification of a specific permitted development standard required in an official control including this subsection to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community’s respective planning and zoning enabling legislation. (Added, Ord. 04-10)

Subd. 3. Establishment of flood plain districts.

- (a) Districts.

- (1) Floodway district. The floodway district shall include those areas designated as floodway on the flood insurance rate map adopted in subdivision 2(b). (Amended, Ord. 04-10)
 - (2) Flood fringe district. The flood fringe district shall include those areas designated as floodway fringe. The flood fringe district shall include those areas shown on the flood insurance rate map as adopted in subdivision 2(b) as being within Zone AE, Zone AD, or Zone AH but being located outside the floodway. (Amended, Ord. 04-10)
 - (3) General flood plain district. The general flood plain district shall include those areas designated as Zone A or Zone AE, Zone AO, or Zone AH without a floodway on the flood insurance rate map adopted in subdivision 2(b). (Amended, Ord. 04-10)
- (b) Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this subsection and other applicable regulations which apply to uses within the jurisdiction of this subsection. Within the floodway, flood fringe and general flood plain districts, all uses not listed as permitted uses or conditional uses in subdivisions 4, 5 and 6 that follow, respectively, shall be prohibited. In addition, a caution is provided here that: (Amended, Ord. 04-10)
- (1) new manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this subsection, specifically subdivision 9.
 - (2) modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this subsection and specifically subdivision 11; and (Amended, Ord. 04-10)
 - (3) as-built elevations for elevated or flood proofed structures must be certified by a Minnesota registered land surveyor. Flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this subsection, specifically subdivision 10 of this subsection. (Amended, Ord. 04-10)

Subd. 4. Floodway district (FW).

(a) Permitted Uses.

- (1) industrial-commercial loading areas and parking areas;

- (2) private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, fishing areas, and single or multiple purpose recreational trails; (Amended, Ord. 04-10)
 - (3) residential lawns, gardens, parking areas, and play areas.
- (b) Standards for floodway permitted uses.
- (1) the use shall have a low flood damage potential;
 - (2) the use shall be permissible in the underlying zoning district;
 - (3) the use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.
- (c) Conditional uses.
- (1) structures accessory to the uses listed in subdivision 4(a) and structures accessory to the uses listed in subdivision 4(c) 2-8; (Amended, Ord. 04-10)
 - (2) extraction and storage of sand, gravel, and other materials;
 - (3) marinas, boat rentals, docks, piers, wharves, and water control structures;
 - (4) railroads, streets, bridges, utility transmission lines, and pipelines;
 - (5) storage yards for equipment, machinery, or materials;
 - (6) placement of fill or the construction of fences; (Amended, Ord. 04-10)
 - (7) recreational vehicles either on individual lots of record or in existing or new subdivisions, or commercial or condominium type campgrounds; subject to the exemptions and provisions of subdivision 9(c) of this subsection; (Revised, Ord. No. 91-4, Sec. 1, Amended, Ord. 04-10)
 - (8) structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures for a frequency flood event equal to or less than the 10-year frequency flood event.
- (d) Standards for floodway conditional uses.
- (1) All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected. (Amended, Ord. 04-10)

- (2) All floodway conditional uses shall be subject to the procedures and standards contained in subdivision 10 of this subsection.
- (3) The conditional use shall be permissible (permitted or conditionally permitted) in the underlying zoning district.
- (4) Fill:
 - (i) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - (ii) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - (iii) As an alternative, and consistent with subparagraph d(4)(ii) above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the city has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be registered by the property owner in the office of the appropriate official of Hennepin County. (Amended, Ord. 04-10)
- (5) Accessory structures:
 - (i) Accessory structures shall not be designed for human habitation.
 - (ii) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - (A) whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,
 - (B) so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

- (iii) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the state building code.' As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the state building code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - (A) the structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - (B) any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and (Amended, Ord. 04-10)
 - (C) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings. (Added, Ord. 04-10)
- (6) Storage of materials and equipment:
 - (i) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (i) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city.
- (7) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, chapter 103G, as amended. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway. (Amended, Ord. 04-10; Revised, Ord. No. 91, Sec. 2)

- (8) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

Subd. 5. Flood fringe district (FF).

- (a) Permitted uses. Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). All permitted uses shall comply with the standards for flood fringe district “permitted uses” listed in subdivision 5(b) and the “standards for all flood fringe permitted and conditional uses” listed in subdivision 5(e) of this subsection. (Amended, Ord. 04-10)
- (b) Standards for flood fringe permitted uses:
 - (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.
 - (2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with subdivision 4(d)(5)(iii) of this subsection.
 - (3) The cumulative placement of fill where at any one time in excess of one-thousand cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with subdivision 5(b)(1).
 - (4) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
 - (5) The provisions of subdivision 5(e) of this subsection shall apply.
- (c) Conditional Uses. Any structure that is not elevated on fill or flood proofed in accordance with subdivisions 5(b)(1) and (2) of this subsection or any use of land that does not comply with the standards in subdivisions 5(b)(3) and (4) of this subsection shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in subdivision 5(d), 5(e) and 10(d) of this subsection. (Amended, Ord. 04-10)
- (d) Standards for flood fringe conditional uses:

- (1) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: (i) the enclosed area is above-grade on at least one side of the structure; (ii) is designed to internally flood and is constructed with flood resistant materials; and (iii) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - (i) Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - (ii) Specific standards for above-grade, enclosed areas: Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (A) A minimum area of "automatic" openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and (Amended, Ord. 04-10)
 - (B) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles or storage.
- (2) Basements, as defined in this subdivision 2(h)(2) of this subsection, shall be subject to the following: (Amended, Ord. 04-10)
 - (i) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

- (ii) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with subdivision 5(d)(3) of this subsection.
- (3) All areas of non-residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the state building code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
- (4) When at any one time more than 1,000 cubic yards of fill or other similar materials is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the city. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
- (5) Storage of materials and equipment:
 - (i) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (ii) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city.
- (6) The provisions of subdivision 5(e) of this subsection shall also apply.
- (e) Standards for all flood fringe uses.
 - (1) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the planning commission must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

- 2) Commercial uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four upon occurrence of the regional flood. (Amended, Ord. 04-10)
- 3) Manufacturing and industrial use. Measures shall be taken to minimize interference with normal plan operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subdivision 5(e)(2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- 4) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The federal emergency management agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- 5) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map. (Amended, Ord. 04-10)
- 6) Standards for recreational vehicles are contained in subdivision 9(c) of this subsection. (Amended, Ord. 04-10)
- 7) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subd. 6. General flood plain district.

(a) Permitted Uses:

- (1) The uses listed in subdivision 4(a) of this subsection shall be permitted uses.

- (2) All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to subdivision 6(b) below. Subdivision 4 of this subsection shall apply if the proposed use is in the floodway district and subdivision 5 shall apply if the proposed use is in the flood fringe district.
- (b) Procedures for floodway and flood fringe determination within the general flood plain district.
 - (1) Upon receipt of an application for a conditional use permit or other approval within the general flood plain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the zoning administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe district: (Amended, Ord. 04-10)
 - (i) typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information; (Amended, Ord. 04-10)
 - (ii) plan (surface view) showing elevation or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; and
 - (iii) photographs showing existing land uses and vegetation upstream and downstream; and soil type; (Amended, Ord. 04-10)
 - (iv) profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
 - (2) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to determine the regulatory flood protection elevation. Procedure consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulation Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective department of natural resources' area hydrologist prior to commencing the analysis. The designated engineer or expert shall: (Amended, Ord. 04-10)
 - (i) estimate the peak discharge of the regional flood;
 - (ii) calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas;

- (iii) compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- (3) The zoning administrator shall present the technical evaluation and findings of the designated engineer or expert to the city council. The city council must formally accept the technical evaluation and the recommended floodway or flood fringe district boundary or both or deny the permit application. The city council, prior to official action, may submit the application and all supporting data and analyses to the federal emergency management agency, the department of natural resources or the planning commission for review and comment. Once the floodway and flood fringe boundaries have been determined, the city council shall refer the matter back to the zoning administrator who shall process the permit application consistent with the applicable provisions of subdivisions 4 and 5 of this subsection.

Subd. 7. Subdivisions involving flood plain lands.

- (a) Review criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provision of this subsection and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents. (Amended, Ord. 04-10)
- (b) Floodway/flood fringe determinations in the general flood plain district. In the general flood plain district, applicants shall provide the information required in subdivision 6(b) of this subsection to determine the 100-year flood elevation, the floodway and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.
- (c) Removal of special flood hazard area designation. The federal emergency management agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Subd. 8. Public utilities, railroads, roads, and bridges.

- (a) Public utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.
- (b) Public transportation facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with subdivisions 4 and 5 of this subsection. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (c) On-site sewage treatment and water supply systems. Where public utilities are not provided:
 - (1) on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - (2) new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this subsection. (Amended, Ord. 04-10)

Subd. 9. Manufactured homes and manufactured home parks and placement of vehicles.
(Amended, Ord. 04-10)

- (a) New manufactured home parks shall be subject to the provisions placed on subdivisions by subdivision 7 of this subsection.
- (b) The placement of new or replacement manufactured homes on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with subdivision 5 of this subsection.
 - (1) all manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (c) Recreational vehicles that do not meet the exemption criteria specified in subdivision 9(c)(1) below shall be subject to the provisions of this subsection and as specifically spelled out in subdivisions 9(c)(3) and (4) below. (Amended, Ord. 04-10)

- (1) Exemption – recreational vehicles are exempt from the provisions of this subsection if they are placed in any of the areas listed in subdivision 9(c)(2) below and further they meet the following criteria: (Amended, Ord. 04-10)
 - (i) have current licenses required for highway use;
 - (ii) are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it; (Amended, Ord. 04-10)
 - (iii) the recreational vehicle and associated use must be permissible in any preexisting, underlying zoning use district. (Amended, Ord. 04-10)
- (2) Areas exempted for placement of recreational vehicles: (Amended, Ord. 04-10)
 - (i) individual lots or parcels of record.
- (3) Recreational vehicles exempted in subdivision 9(c)(1) of this subsection lose this exemption when development occurs on the parcel exceeding \$500 dollars for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in subdivisions 4 and 5 of this subsection. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur. (Amended, Ord. 04-10)
- (4) New commercial recreational vehicle parks or campgrounds and new residential types, subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following: (Amended, Ord. 04-10)
 - (i) any new or replacement recreational vehicle will be allowed in the floodway or flood fringe districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with subdivision 5(e)(1) of this subsection. No fill placed in the floodway to meet the requirements of this subsection shall increase flood stages of the 100-year or regional flood. (Amended, Ord. 04-10)

- (ii) all new or replacement recreational vehicles not meeting the criteria of paragraph (1) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of subdivision 10(d) of this subsection. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation and shall demonstrate the provisions of subdivision 9(c)(1)(i) and (ii) of this subsection will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with subdivision 8(c) of this subsection. (Amended, Ord. 04-10)

Subd. 10. Administration.

- (a) Zoning administrator. A zoning administrator designated by the city manager shall administer and enforce this subsection. If the zoning administrator finds a violation of the provisions of this subsection, the zoning administrator shall notify the person responsible for such violation in accordance with the procedures stated in subdivision 12 of this subsection.
- (b) Approval requirements.
 - (1) Approval required. Approval by the zoning administrator in conformity with the provisions of this subsection shall be secured and kept on file and/or noted on the building permit prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair) or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land prior to the construction of a dam, fence, or onsite septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain. (Revised, Ord. No. 91-4, Sec. 3; Amended, Ord. 04-10)
 - (2) Application for review. Application for review shall be made in duplicate to the zoning administrator on forms furnished by the zoning administrator and shall include the following where applicable: certificate of survey in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
 - (3) State and federal permits. Prior to granting approval or processing an application for a conditional use permit or variance, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits.

- (4) Certificate of zoning compliance for a new, altered, or nonconforming use or structure. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator in accordance with subsection 535.07 stating that the use of the building or land conforms to the requirements of this subsection. (Revised, Ord. No. 91-4, Sec. 4; Amended, Ord. 04-10)
 - (5) Construction and use to be as provided on applications, plans, approvals, variances and certificates of zoning compliance. Approvals, conditional use permits, or certificates of occupancy issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this subsection, and punishable as provided by subdivision 12 of this subsection. (Amended, Ord. 04-10)
 - (6) Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this subsection. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
 - (7) Record of first floor elevation. The zoning administrator shall maintain a record of the elevation of the lowest floor, including basement, of all new structures and alterations or additions to existing structures in the flood plain. The zoning administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.
 - (8) Notification of watercourse alterations. The zoning administrator shall notify, in riverine situations, adjacent communities and the commissioner of the department of natural resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work on the beds of public waters pursuant to Minnesota Statutes, Chapter 103G, this shall suffice as adequate notice to the commissioner of natural resources. A copy of said notification shall also be submitted to the Chicago regional office of the Federal Emergency Management Agency (FEMA). (Added, Ord. 04-10)
 - (9) Notification of FEMA when physical changes increase or decrease the 100-year flood elevation. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the zoning administrator shall notify the Chicago regional office of FEMA of the changes by submitting a copy of said technical or scientific data. (Added, Ord. 04-10)
- (c) Variances, appeals, and amendments.

- (1) VariANCES. Variances, appeals, and amendments to this subsection shall be administered according to the procedures and requirements as established in subsections 535.03 and 535.05 of this code. In the granting of a variance, the city council shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this subsection, section 535.05 of this code, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied: (Amended, Ord. 04-10)
 - (i) Variances shall not be issued by a community with any designated regulatory floodway if any increase in flood levels during the base flood discharge would result. (Added, Ord. 04-10)
 - (ii) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with the existing local laws or ordinances. (Added, Ord. 04-10)
 - (iii) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. (Added, Ord. 04-10)
- (2) Notice to commissioner of natural resources. The city shall submit by mail to the commissioner of natural resources a copy of the application for proposed variances, appeals and amendments sufficiently in advance so that the commissioner will receive at least ten days notice of the hearing. (Amended, Ord. 04-10)

- (3) Decisions. The city shall arrive at a decision on such variance appeal or amendment within 60 days after receipt of a complete application unless an automatic extension of 60 days is requested by the city in writing per state law. In passing upon an appeal, the city may, so long as such action is in conformity with the provisions of this subsection, reverse or affirm, so long as such or modify the order, requirement, decision or determination of the zoning administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance, the city council may prescribe appropriate conditions and safeguards such as those specified in subdivision 10(d)(6) of this subsection which are in conformity with the purposes of this subsection. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this subsection punishable under subdivision 12. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within ten days of such action. (Amended, Ord. 04-10)
- (4) Appeals. Appeals from any decision of the zoning administrator may be made, and as specified in section 535.05 of this code and also Minnesota Statutes. (Amended, Ord. 04-10)
- (5) Flood insurance notice and record keeping. The zoning administrator shall notify the applicant for a variance that: (Amended, Ord. 04-10)
 - (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The city shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program. (Amended, Ord. 04-10)
- (d) Conditional use. In addition to procedural requirements set forth in subsection 535.01 of this code the following procedures shall apply:
 - (1) Hearings. After an application for a conditional use permit is filed with the zoning administrator, the zoning administrator shall submit by mail to the commissioner of natural resources a copy of the application for proposed conditional use sufficiently in advance so that the commissioner will receive at least ten days notice of the hearing.

- (2) Decisions. The city shall arrive at a decision on a conditional use permit within 60 days after receipt of a complete application unless an automatic extension is requested by the city in writing in state law. In granting a conditional use permit, the city council shall prescribe appropriate conditions and safeguards, in addition to those specified in subdivision 10(d)(5) of this subsection, which are in conformity with the purposes of this subsection. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this subsection punishable under subdivision 12. A copy of all decisions granting conditional use permits shall be forwarded by mail to the commissioner of natural resources within ten days of such action. (Amended, Ord. 04-10)
- (3) Procedures to be followed by the city in passing on conditional use permit applications within all flood plain districts. The following are required in addition to the procedures outlined in subsection 535.01:
- (i) the applicant is required to furnish such of the following information and additional information as deemed necessary by the zoning administrator for determining the suitability of the particular site for the proposed use:
 - (A) certificate of survey in triplicate drawn to scale showing the nature, location, dimensions, and existing and proposed topography of the lot no greater than two feet intervals, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel; and (Amended, Ord. 04-10)
 - (B) specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - (ii) Transmit one copy of the information described in subparagraph (i) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
 - (iii) Based upon the technical evaluation of the designated engineer or expert, the city council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- (4) Findings of fact by planning commission. In setting forth findings of fact for conditional use permit applications, the planning commission shall consider the possible findings of fact set forth in subsection 535.01, subdivision 2 and all relevant factors specified in other sections of this subsection, and those listed below:

- (i) the danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (ii) the danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures;
 - (iii) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
 - (iv) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (v) the importance of the services provided by the proposed facility to the community;
 - (vi) the requirements of the facility for a waterfront location; (Amended, Ord. 04-10)
 - (vii) the availability of alternative locations not subject to flooding for the proposed use;
 - (viii) the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - (ix) the relationship of the proposed use to the comprehensive plan and flood plain management program for the area;
 - (x) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (xi) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
 - (xii) such other factors which are relevant to the purposes of this subsection.
- (5) Conditions attached to - conditional use permits. Upon consideration of the factors listed above and the purpose of this subsection, the city council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this subsection. Such conditions may include, but are not limited to, the following:
- (i) modification of waste treatment and water supply facilities;
 - (ii) limitations on period of use, occupancy, and operation;
 - (iii) imposition of operational controls, sureties, and deed restrictions;

- (iv) requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures;
- (v) flood-proofing measures, in accordance with the state building code and this subsection. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

Subd. 11. Nonconforming uses.

- (a) In addition to provisions set forth in subsection 510.07, which regulates non-conforming uses, a structure or the use of a structure or premises which was lawful before the passage or amendment of this subsection but which is not in conformity with the provisions of this subsection may be continued subject to the following conditions. Historic structures, as defined in subdivision 2(h)(21)(ii) of this subsection shall be subject to the provisions of subdivision 11(a)(1)-(5) of this subsection. (Amended, Ord. 04-10)
 - (1) no such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity;
 - (2) any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 through FP-4 floodproofing classification) allowable in the state building code, except as further restricted in subdivision 11(a)(3) and subdivision 11(a)(3) and (6) below; (Amended, Ord. 04-10)
 - (3) the cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions to that particular property constructed since the adoption of the city's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of subdivision 4 (floodway) or subdivision 5 (flood fringe) for new structures depending upon whether the structure is in the floodway or flood fringe, respectively. (Amended, Ord. 04-10)
 - (4) If any nonconforming use is discontinued and after written notice by the city remains discontinued for 12 consecutive months, any future use of the building premises shall conform to this subsection. The zoning administrator shall be notified in writing of instances of nonconforming uses which have been discontinued.

- (5) If any nonconforming use or structure is substantially damaged, as defined in subdivision 2(h)(20) of this subsection, it shall not be reconstructed except in conformity with the provisions of this subsection. The applicable provisions for establishing new uses or new structures in subdivisions 4, 5 and 6 will apply depending upon whether the use or structure is in the floodway, flood fringe or general flood plain district, respectively. (Amended, Ord. 04-10)
- (6) If a substantial improvement occurs, as defined in subdivision 2(h)(20) of this subsection, from any combination of a building addition of the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition (as required by subdivision 11(a)(2) above) and the existing nonconforming building must meet the requirements of subdivision 4.0 or 5.0 of this section for new structures, depending upon whether the structure is in the floodway or flood fringe district, respectively. (Added, Ord. 04-10)

Subd. 12. Penalties for violation.

- (a) Violation of the provisions of this subsection or failure to comply with any of its requirements (including violations of conditions and safeguard established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
- (b) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but not be limited to:
 - (1) In responding to a suspected subsection violation, the zoning administrator and city may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the national flood insurance program for denial of flood insurance availability to the guilty party. The city shall act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the national flood insurance program. (Amended, Ord. 04-10)
 - (2) When a violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate department of natural resources' and federal emergency management agency regional office along with the city's plan of action to correct the violation to the degree possible.

- (3) The zoning administrator shall notify the suspected party of the requirements of this subsection and all other official controls and the nature and extent of the suspected violation of these controls. If the structure or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the city. If the construction or development is already completed, then the zoning administrator may either: (Amended, Ord. 04-10)
 - (i) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or
 - (ii) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.
- (4) If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this subsection and shall be prosecuted accordingly. The zoning administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this subsection.

Subd. 13. Amendments.

- (a) Official map. The flood plain designation on the official zoning map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the commissioner of natural resources if the commissioner determines that, through other measures, lands are adequately protected for the intended use.
- (b) Commissioner approval. All amendments to this subsection, including amendments to the official zoning map, must be submitted to and approved by the commissioner of natural resources prior to adoption. Changes in the official zoning map must meet the federal emergency management agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given 10-days written notice of all hearings to consider an amendment to this subsection and said notice shall include a draft of the subsection amendment or technical study under consideration. (Amended, Ord. 04-10)

530.02. (Added, Ord. No. 95-08) B4p pawnbrokers, secondhand goods dealer, consignment house dealers, auction house dealers and traders district regulations. Subdivision 1. Purpose and intent. In the development and execution of this code, it is recognized that there are some uses, which by their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulations of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or the downgrading of the surrounding neighborhoods. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these used in any one area. The district shall herein be referred to as the "B4p overlay district."

Subd. 2. Lands subject to this district. The lands subject to the B4p overlay district are those set forth in appendix A2 and shown on the official zoning map of the city of Robbinsdale.

Subd. 3. Definitions. For the purposes of this district, definitions are as set forth in section 1135. (Amended, Ord. No. 05-03)

Subd. 4. Uses permitted. Any use permitted within the existing zoned district.

(a) Minor dealers as defined by section 530.02, subdivision 3(f). (Added, Ord. No. 98-17)

Subd. 5. Permitted accessory uses. All accessory uses allowed within the existing zoned district.

Subd. 6. Conditional uses.

(a) All conditional use allowed within the existing zoned district.

(b) Any licensed pawnbroker, any licensed secondhand goods dealer, any licensed auction house dealer, a licensed consignment house dealer greater than 2,250 square feet unless exempted by subdivision 8 of this section or a licensed trader business greater than 2,250 square feet provided that: (Amended, Ord. No. 98-17; Ord. No. 02-10; Ord. No. 05-03)

- (1) the establishment, maintenance, or operation of the facility will not be detrimental to or endanger the public health, safety, morals, comfort, general welfare;
- (2) the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish property values within the neighborhood;
- (3) adequate utilities, access roads, drainage, and necessary facilities have been or are being provided;
- (4) an off-street loading and unloading rear entrance is provided;
- (5) requirements of Minnesota Statutes regarding pawn and secondhand goods, consignment, auction, and trading establishments are met;
- (6) licensing requirements of section 1135 of the Robbinsdale city code are met;

- (7) no alcohol is allowed on the premises;
- (8) that the standards set forth in subdivision 7 are met; (Amended, Ord. No. 98-17)
- (9) that there is no other pawnbroker, secondhand goods dealer, auction house dealer, consignment house dealer greater than 2,250 square feet or a trader greater than 2,250 square feet within 1,000 feet; (Amended, Ord. No. 98-17; Ord. No. 05-03)
- (10) that the structure of the business complies with the architectural design guidelines. (Added, Ord. No. 98-17)

Subd. 7. Standards for pawnbroker, secondhand goods dealers, auction house dealers, and consignment house dealers greater than 2,250 square feet or traders business greater than 2,250 square feet. The following minimum requirements shall be observed in the B4p overlay district subject to additional requirements, exceptions and modifications set forth in this ordinance. (Amended, Ord. No. 98-17)

- (a) lot area: 20,000 square feet minimum
- (b) lot width: 80 feet minimum
- (c) lot coverage: the maximum percent of the area of a lot allowed to be covered by the main building and all accessory buildings is as follows:
 - (1) one story - 40% maximum
 - (2) two story - 35% maximum
 - (3) three story - 30% maximum
 - (4) four story - 25% maximum
 - (5) five story - 20% maximum
 - (6) six story - 15% maximum

The above lot coverage will be subject to other considerations including parking and open space requirements, use of facilities and proximity to other districts which may decrease the maximum lot coverage.

- (d) Setbacks: the setbacks will be the same as those allowed in the existing zoned district.
- (e) Building requirements:
 - (1) Height: the allowed height of all buildings shall be the same as that allowed within the existing zoned district.

- (2) Exterior materials: the type of building materials used on exterior walls shall be face brick, natural stone, stucco, glass finished grade concrete or other materials approved by the city.
- (f) Parking requirements:
 - (1) Parking ratio: at least one off-street parking space shall be provided for each 150 square feet of gross floor area.
- (g) Landscaping requirements:
 - (1) All open areas of any site, except for areas used for parking and driveways, shall be landscaped and be incorporated in a landscape plan.
 - (2) The landscape plan shall be submitted for approval by the city and indicate the locations, size and species, and method and quantity of all proposed plants including designation of, and other site improvements.
- (h) Performance standards:
 - (1) Refuse. All trash or garbage receptacles must be located in the rear or side yard and be totally screened from view from any public right-of-way. Provisions must be taken to protect screening from vehicle damage.
 - (2) Off-street loading. The required loading dock must be located in the side or rear yard.

Subd. 8. (Added, Ord. No. 02-10) Exemptions: This section does not apply to or include the exemptions set forth in section 1135.03 and the following:

- (a) a consignment house dealer licensed under section 1135.05 that sells furniture and home decorating items only and does not sell any of the following items:
 - (1) consumer electronics including CD's, DVD's, records, tapes, etc.
 - (2) jewelry;
 - (3) musical instruments
 - (4) tools;
 - (5) sporting goods;
 - (6) clothing.

530.03. (Repealed, Ord. No. 95-09, Sec. 3)

530.04. Adult establishments. Adult establishments as defined and regulated in section 1140 of the city code are permitted uses in the B-3 and B-4 districts only. (Added, Ord. No. 95-09, Sec. 4)

530.05. Planned unit development. Subdivision 1. Purpose and intent. The purpose of this subsection of the code is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, sporadic and unplanned approach to development. This subsection is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. It is further intended that planned unit developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses.

Subd. 2. Property control.

- (a) In order that the purposes of a planned unit development may be achieved, the property shall be in single ownership or under the management or supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this code.
- (b) Prior to the sale of individual units, space or lots within a planned unit development a homeowners association membership or a business property owners association membership, or both, must be included as a deed restriction on the property. This restriction shall specify that common open space and multiple owned structures shall be maintained by the association which shall have the power to assess each individual property owner member their proportionate share of the costs. This agreement shall be subject to the review and approval of the city attorney. The intent of this section is to protect the property values of the individual owner.

- (c) Subdivision of land, required improvements. The subdivision or platting of land, or both, or right conditionally permitted as a planned unit development shall be subject to the requirements for approval and recording with the appropriate official of Hennepin County as have been required by the city council.

Subd. 3. Procedures for establishing a planned unit development and subsequent review.

- (a) An application for a conditional use permit shall be filed and processed based upon procedures established by subsection 535.01 of this code.
- (b) Preliminary development plan. The conditional use permit application must be accompanied by a preliminary development plan, drawn to a scale of not more than 50 feet per inch, showing the following:
 - (1) General area-wide development plan (general outline of the site and surrounding area):
 - (i) uses;
 - (ii) zoning;
 - (iii) streets;
 - (iv) grade or topography;
 - (v) densities.
 - (2) Specific site plan:
 - (i) the entire outline, overall dimensions and area of the tract described in the application;
 - (ii) the use, zoning, and ownership of all adjacent properties within 100 feet of the tract boundaries including the location of all structures thereon and the right-of-way width and traveled width of all adjacent public roadways;
 - (iii) the existing and proposed topography of the tract with contour intervals not greater than five feet.
 - (iv) the location, general exterior dimensions and approximate gross floor areas of all proposed buildings;
 - (v) the type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use;
 - (vi) the proposed location, arrangement, and number of automobile parking stalls;
 - (vii) the proposed location, arrangement and general dimensions of all truck loading facilities;

- (viii) the location and dimensions of all vehicular entrances, exists and driveways and their relationship to all existing or proposed public streets;
 - (ix) the location and dimensions of pedestrian entrances, exists and walks;
 - (x) the general drainage system;
 - (xi) the location and dimensions of all walls, fences, and plantings designed to screen the proposed district from adjacent uses;
 - (xii) the types of all ground covers;
 - (xiii) standards for exterior finish, exterior lighting, location and type of exterior signs, architectural style, and any other variables which will be controlled in the design of buildings in the development area.
- (c) Development schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed planned unit development is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and the completion date of the complete development plan.
- (d) Review and evaluation criteria. The evaluation of the proposed plan and development shall include but not be limited to the following criteria:
- (1) adequate property control is provided to protect the individual owners' rights and property values and the public responsibility for maintenance and upkeep;
 - (2) the interior circulation plan plus access from and onto public right-of-ways does not create congestion or dangers and is adequate for the safety of the project residents and the general public;
 - (3) a sufficient amount of usable open space is provided;
 - (4) the arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses;
 - (5) the architectural design of the project is compatible with the surrounding area;
 - (6) the drainage and utility system plans are submitted to the city engineer and the final drainage and utility plans must have his approval;

- (7) the development schedule insures a logical development of the site which will protect the public interest and conserve land;
 - (8) minimum lot frontage shall be not less than 20 feet;
 - (9) dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned;
- (e) Council action.
- (1) If the council finds that the preliminary development plan meets all of the requirements of a conditional use permit, the council shall approve the same as the final development plan and the applicant shall then be entitled to make application for necessary building permits.
 - (2) If the council finds that the preliminary development plan contains conditions that must be amended in order to meet the requirements of the conditional use permit, they shall return said application together with a statement of the necessary changes and upon receipt of an amended, altered and changed plan meeting the requirements of the city council, the council shall approve said plan as the final development plan and thereupon the applicant shall be eligible to obtain the necessary building permits.
 - (3) The final development plan, together with such covenants, deed restrictions, reservations, controls or variances as are a part thereof, shall become a part of the official file of the city.

Subd. 4. General development provisions.

- (a) Compliance with the final development plan and changes.
- (1) The development of the planned unit development shall be in compliance with the final development plan.
 - (2) Differences between the actual development and proposed development shown in the final development plan not permitted under the foregoing provisions of this subsection will be permitted only if the final development plan is changed with the approval of the city council. Proposed changes shall be reviewed by the planning commission and recommendations forwarded to the council.

- (b) Building permits. Applications for building permits shall be reviewed and approved by the building inspection department after considering the recommendation of the planning commission. Such applications shall be examined to determine if they are in compliance with this code and the final development plan. The following, as appropriate, shall be submitted with any building permit application:
- (1) preliminary plans, elevations, sections and specifications of materials and structural systems for the proposed building or buildings, approved by a registered architect or engineer;
 - (2) a site plan for traffic engineering analysis, showing location and design of the buildings, driveways, driveway intersections with streets, parking areas, loading areas, maneuvering areas and sidewalks;
 - (3) a site grading plan and planting plan, including screen walls and fences, for analysis of adequacy of surface drainage, erosion control, visual screening and landscaping, including sodding;
 - (4) a site plan showing utilities and utility easements;
 - (5) plans for all signs to be erected including details of sign locations, design, size, color, and lighting;
 - (6) a description of the proposed operations in sufficient detail to enable the building inspector to determine if the proposed land use is within the uses permitted in the established district.
- (c) The building inspection department shall process the permit in compliance with the codes of the city. The application submitted to the building inspection department shall include complete and final plans, elevations, sections, and specifications of materials and structural systems for the proposed building or buildings, prepared by a registered architect.
- (d) Off-street parking.
- (1) The minimum number of off-street parking spaces required for a planned unit development shall be the same as required for similar uses in subsection 510.17 of this code.
 - (2) All parking areas and driveways shall be concrete or blacktop and shall meet city specifications applicable thereto. They shall be so graded and drained as to dispose of all surface water. Drainage shall not be across sidewalks or driveways.

- (e) Off-street loading and unloading. No business shall be permitted to receive or dispatch materials by trucks and similar vehicles except at an authorized loading berth which shall be located so that said trucks or other vehicles are entirely removed from public street or frontage sidewalk. Location and number of said loading berths shall be indicated on the plans and shall be approved by the building inspection department at the time of issuance of a building permit. Said loading berth shall be in compliance with subsection 510.19 of this code.
- (f) Landscaping.
 - (1) All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage and except for areas used for parking, driveways, or storage, shall be landscaped with trees, shrubs, and planted ground cover. Location size and species of trees and shrubs shall be indicated on the site plan and subject to approval by the building inspection department.
 - (2) It shall be the owners' responsibility to see that this landscaping is maintained in an attractive and well kept condition. In case any trees or shrubs shall die, the owners shall replace them with a like species. Any dead or damaged sod shall be replaced.
 - (3) All vacant lots, tracts, or parcels shall be properly maintained in an orderly manner free of litter and junk.
- (g) Storage. Storage as required for similar uses, but also subject to additional provisions as provided by the city.
- (h) Performance standards. Performance standards required of similar uses in this code, but also subject to additional provisions as provided by the city.
- (i) Certificate of zoning compliance. A certificate of zoning compliance stating that all of the provisions of this subsection, together with all provisions and requirements of the final development plan have been fully complied with shall be obtained from the building inspection department before any building in the planned unit development is used or occupied. Application for a certificate of zoning compliance shall be made to the building inspector at such time as the conditions of this subsection and the final development plan are completed. The building inspection department shall, within ten days thereafter, inspect such building or buildings and the adjacent lands connected therewith, and if they find them to be in conformity with the provisions of this code and the final development plan, a certificate of zoning compliance will be issued.

- (j) Periodic review. If construction within the planned unit development or any staging thereof is not begun within one year from the approval of the final plan establishing it, the building inspection department shall report such fact to the city council together with such other information as is available to them concerning any actual or planned changes in the surrounding area with respect to construction of buildings, roads, highways, or other public improvements. The council will then instruct the planning commission to make any necessary reports, or the council will require the applicant to resubmit his application for development plan. If a report is required from the planning commission, the report shall be considered by the council at the next regular meeting or at such other meeting as the council may direct, in order to determine whether the final development plan is consistent with public health, safety or general welfare. The final development plan shall be reviewed and reconsidered at one year intervals until such construction is substantially completed in accordance with the plan.

Subd. 5. Residential planned unit development.

- (a) Purpose. It is the intent of this subdivision to establish provisions for the granting of a conditional use permit for a residential planned unit development which is in compliance with the permitted or conditional uses, or both, allowed in a R-1, R-2 or R-3 district including dwellings, offices and institutional uses of one or more buildings in relation to an overall design, and integrated physical plan and in accordance with the provisions and procedures as prescribed in this code. (Amended, Ord. No. 93-02)
- (b) Minimum project size. The tract of land for which a residential planned unit development is proposed and permit requested shall contain not less than 1.5 acres of land. (Amended, Ord. No. 93-02)
- (c) Required frontage. The tract of land for which a project is proposed and permit requested shall not have less than 200 feet of frontage on the public right-of-way.
- (d) Yards.
- (1) The front and side yard restrictions at the periphery of the planned unit development site at a minimum shall be the same as imposed in the respective districts.
 - (2) No building shall be nearer than its building height to the rear or side property line when such line abuts an R-1 or R-2 district.
 - (3) No building shall be located less than 15 feet from the back of the curb line along those roadways which are part of the internal street pattern.

- (4) No building within the project shall be nearer to another building than one-half the sum of the building heights of the two buildings.

(e) Height.

- (1) In R-1 and R-2 districts, height limitations shall be the same as imposed in the respective districts.
- (2) In all zones higher than R-2 there shall be no vertical limitations on any structure except as found in the set-back or density control provisions in the district in which the land is located and in this section.

(f) Roadways.

- (1) Private roadways within the project shall have an improved surface to 20 feet or more in width and shall be so designed as to permit the city fire trucks to provide protection to each building.
- (2) No portion of the required 20 feet road system may be used in calculating required off-street parking space.

(g) Usable open space. Usable open space shall be provided in compliance with the district requirement.

(h) Density bonus. As a consequence of a planned unit development's planned and integrated character, the number of dwelling units allowed within the respective zoning district may be increased by five percent. The building, parking, and similar requirements for these extra units shall be observed in compliance with this code.

Subd. 6. Commercial planned unit development.

- (a) Purpose. The intent of this subdivision is to establish provisions for the granting of a conditional use permit to erect a commercial planned unit development which is in compliance with the permitted or conditional uses, or both, allowed in B-2, B-3, B-4 BW and DD-1 districts in one or more buildings in relation to an overall design, an integrated physical plan and in accordance with the provisions and procedures as prescribed in this code. (Amended, Ord. No. 93-02; Ord. No. 98-08)
- (b) Minimum project size. The tract of land for which a commercial planned unit development is proposed and permit requested shall contain not less than two acres of land. (Amended, Ord. No. 93-02)
- (c) Frontage. The tract of land for which a project is proposed and a permit requested shall not have less than 200 feet of frontage on a public right-of-way.

- (d) Public services. The proposed project shall be served by the city water and sewer system and fire hydrants shall be installed at such locations as necessary to provide fire protection.
- (e) Yard. No building shall be nearer than 70 feet to the side or rear property line when such line abuts an R-1, R-2, or R-3 district.
- (f) Landscaping, screening, and surfacing.
 - (1) The entire site other than that taken up by structures or landscaping shall be surfaced with a material to control dust and drainage.
 - (2) A drainage system subject to the approval of the city engineer shall be installed.
 - (3) Developments abutting an R-1, R-2, or R-3 district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 7. (Added, Ord. No. 93-02) Residential/business planned unit development.

- (a) Purpose. The intent of this subdivision is to establish provisions for the granting of a conditional use permit to erect a residential/business planned unit development which is in compliance with the permitted or conditional uses, or both, allowed in an RB district in one or more buildings in relation to an overall design, an integrated physical plan and in accordance with the provisions and procedures as described in this code.
- (b) Minimum project size. The tract of land for which a residential/business planned unit development is proposed and permit requested shall contain not less than ten acres of land.
- (c) Frontage. The tract of land for which a project is proposed and a permit requested shall not have less than 1,000 feet on a collector street.
- (d) Public services. The proposed project shall be served by the public water and sewer system and fire hydrants shall be installed at such locations as necessary to provide fire protection.
- (e) Buffer yard. The buffer yard regulations set forth in subsection 510.25, subdivision 11, shall be strictly adhered to.

530.07. (Added, Ord. No. 97-14) Downtown architectural guidelines overlay district. Subdivision 1. Purpose and intent. The purpose of the downtown overlay district is to preserve and protect the existing pedestrian character of the downtown commercial area, to promote the transformation of the downtown into an even more compact pedestrian- and transit-oriented mixed-use area with a “main street” continuous building façade character. The provisions contained herein will provide design guidance for those making exterior alterations to existing buildings or constructing new infill development.

(Note: Per Ord. 08-12, 4080 West Broadway has been removed from overlay district)

Subd. 2. Relationship to other applicable regulations. In addition to the regulations specified in this chapter, all property located within the downtown architectural guidelines overlay district shall be subject to all of the applicable standards, procedures and regulations of this section and the primary zoning district in which the property is located, except as otherwise provided for in this section. Where the provisions of the overlay district and the primary zoning districts are in conflict, the provisions of this overlay district shall govern.

Subd. 3. Lands subject to this district. The lands subject to the downtown architectural guidelines overlay district are those set forth in appendix I and shown on the official zoning map of the city of Robbinsdale.

Subd. 4. Uses permitted. Any use permitted within the existing primary zoning district.

Subd. 5. Permitted accessory uses. All accessory uses permitted within the existing primary zoning district.

Subd. 6. Conditional uses. All conditional uses permitted within the existing primary zoning district.

Subd. 7. Architectural design review. All new development, exterior remodeling, renovation or rehabilitation of existing buildings on lands subject to this subsection shall be required to comply with the downtown Robbinsdale architectural design guidelines. The design review committee (comprising the development director, the community development director, and the building official) will interpret the guidelines as necessary; the development director will make the final recommendation to the city council who will make the final decision on the approved design as set forth in the guidelines.

Subd. 8. Exceptions to downtown architectural guidelines overlay district design review requirements. The city council may approve exceptions to downtown architectural guidelines overlay district design review requirements upon finding that the strict adherence to the requirements is impractical because of site location or conditions.

Subd. 9. Architectural guidelines. Architectural guidelines are established by resolution and from time to time amended by resolution. The city council shall refer any amendment to the planning commission for review and recommendation.

Section 535 - Zoning: administration and enforcement

535.01. Conditional use permits. Subdivision 1. Purpose. The purpose of this subsection is to provide the city with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health, and safety. In making this determination, whether or not the conditional use is to be allowed, the city shall make findings of fact related to the nature of the land upon which the use is to be located, the nature of the adjoining land upon which the use is to be located, the nature of the adjoining land or buildings whether or not a similar use is already in existence and located on the same premises or on other lands immediately close by, the effect upon traffic into and from the premises, or on any adjoining roads, and all such other or further factors as the city shall deem a requisite of consideration in determining the effect of such use on the general welfare, public health, and safety.

Subd. 2. Procedure.

- (a) Request for conditional use permits, as provided within this subsection, shall be filed with the city on an official application form a minimum of four weeks before the planning commission meeting at which formal action is requested. Such application shall be charged a fee as established in subsection 515.15. This fee shall not be refunded. Such application shall also be accompanied by three copies of detailed written and graphic materials fully explaining the proposed development or use or both. A certificate of survey showing existing and proposed structures, if any, and any other information determined by the city shall be submitted. The application, along with all related information, shall be referred to the city planning commission for consideration and a recommendation to the city council.
- (b) The applicant or a representative thereof shall appear before the planning commission in order to answer questions concerning the proposed conditional use.
- (c) The conditional use application shall be referred to the city staff for a report and recommendation to be presented to the commission. The city staff's report and recommendations shall be given to the city planning commission at least five days prior to the meeting at which said report and recommendations are to be presented. The report and recommendations of the city staff are to be entered in and made part of the permanent written record of the planning commission meeting.
- (d) The planning commission shall make findings of fact regarding any adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon, but not limited to, the following factors:

- (1) consistency with the city comprehensive plan;
 - (2) the geographical area involved;
 - (3) whether such use will cause deterioration of the area in which it is proposed;
 - (4) the character of the surrounding area;
 - (5) the demonstrated need for such use;
 - (6) whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise or vibration, or would impose hazards to life or property in the neighborhood;
 - (7) whether such use would inherently lead to or encourage disturbing influences in the neighborhood;
 - (8) whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
- (e) The planning commission shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant, concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this code.
- (f) Notice of time, place and purpose of the hearing shall be published in the official newspaper at least 10 days prior to the day of the hearing. Individual notices shall be mailed not less than ten days before the hearing to all owners of property, according to the assessment records, within 350 feet of the parcel included in the request.
- (g) Failure of a property owner to receive said notice shall not invalidate any proceedings set forth within this code provided a bona fide attempt has been made to comply with this subsection.
- (h) The planning commission shall recommend such conditions relating to the granting of said conditional use permit as they deem necessary to carry out the intent and purpose of the code or recommend that the request be denied. The planning commission's recommendation and the city staff's report and recommendation shall be forwarded to the city council.
- (i) The city council shall not grant a conditional use permit until they have received a report and recommendation from the planning commission and the city staff. The planning commission shall reach a decision not later than the second regular meeting following the first regular meeting at which the request for a conditional use permit is considered by the commission.

- (j) Upon receiving the report and recommendation of the planning commission and the city staff, the conditional use permit request shall be placed on the agenda for the next regular city council meeting, or as soon as possible thereafter. (Amended, Ord. No. 13-13)
- (k) Upon receiving the report and recommendation of the planning commission and city staff, the city council shall have the option to set and hold a public hearing if deemed necessary and may impose any condition it considers necessary to protect the public health, safety, and welfare.
- (l) Approval of a conditional use permit shall require passage by the vote of the full city council as set forth by city charter.
- (m) The city clerk shall notify the conditional use permit applicant of the council's decision in writing and place a copy of the decision in the central property file.

Subd. 3. Reconsideration. Whenever an application for a conditional use permit has been considered and denied by the city council, a similar application for a conditional use permit affecting substantially the same property shall not be considered again by the planning commission or city council for at least six months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the planning commission or city council for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than a four-fifths vote of the city council.

Subd. 4. Lapse of conditional use permit by non-use. Whenever within one year after granting a conditional use permit, or two years if a legally binding development agreement has been executed between the applicant and the city, the work as permitted by the permit shall not have been completed, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the city council. Such extension shall be requested in writing and filed with the city at least 20 days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the city council for a decision.

Subd. 5. Performance bond – conditional use permit. (Amended, Ord. No. 09-03)

- (a) Except in the case of single family detached residential property, upon approval of a conditional use permit the city shall be provided with a performance bond prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said bond shall guarantee completion of improvements to public infrastructure serving the improvements or development such as storm sewer and private site improvements such as landscaping, parking lots or surface water management such as rain gardens in conformance and compliance with the conditions of the conditional use permit and the codes and ordinances of the city. (Amended, Ord. No. 09-03)

- (b) The performance bond shall consist of a bond, cash escrow deposit or irrevocable letter of credit and be in the amount of the city engineer's estimated costs of labor and materials for the proposed improvements or development. (Amended, Ord. No. 09-03)
- (c) The city shall hold the performance bond until completion of the proposed improvements or development and a certificate indicating compliance with the conditional use permit and codes and ordinances of the city has been issued by the city building inspector. (Amended, Ord. No. 09-03)
- (d) Failure to comply with the conditions of the conditional use permit or the codes and ordinances of the city or both shall result in forfeiture of the bond.

535.03. Rezoning and text amendments. Subdivision 1. The city council or the city planning commission may, upon their own motion, initiate a request to amend the text or the districting map of this code. Any person, persons, firm or corporation or their express agent owning real estate may initiate a request to amend the district boundaries or text so as to affect the said real estate or real estate abutting thereto.

Subd. 2. Procedures.

- (a) A request for a rezoning or text amendment together with three copies of detailed written and graphic materials fully explaining the proposal for an amendment to this code shall be filed with the city. At the time of such filing, the applicant shall pay a fee as established in subsection 535.15. This fee shall not be refunded. If the request is a rezoning, a certificate of survey showing existing and proposed structures, if any, must be submitted. If the land to be rezoned is described by metes and bounds or other complicated auditor's subdivision or government lot description, it shall be replatted before or concurrent with rezoning.
- (b) The amendment request and all related information, shall be referred to the city planning commission for consideration and a report and recommendation to the city council.
- (c) An amendment request must be submitted by the applicant at least four weeks prior to the planning commission meeting at which formal action is requested. The city staff shall refer said amendment proposal along with all related information to the planning commission at least five days prior to the regular meeting.
- (d) The amendment request shall be referred to the city staff for a written report and recommendation to be presented to the commission. The city staff's report and recommendation shall be given to the planning commission at least five days prior to the meeting at which said report and recommendation are to be presented. The report and recommendation of the city staff is to be entered in and made part of the permanent written record of the planning commission meeting.

- (e) The planning commission shall hold a public hearing for all zoning map amendments and text amendments. Notice of the time, place and purpose of the hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. Individual notices, if it is a district change request, shall be mailed at least ten days prior to the hearing to all owners of property, according to the assessment records, within 350 feet of the parcel included in the request.
- (f) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this ordinance provided a bona fide attempt to notify has been made to comply with this subsection.
- (g) The Planning Commission shall reach a decision and make its report to the City Council within 60 days after the regular meeting at which the amendment request was first considered by the Commission.
- (h) The Council shall, upon receiving no report from the Planning Commission within 90 days, place such request on the agenda of its next regular meeting and decide the issue within 30 days.
- (i) Upon receiving the reports and recommendations of the Planning Commission and City staff, the rezoning or text amendment request shall be placed on the agenda of the next regular City Council meeting, or as soon as possible thereafter. Said reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting. (Amended, Ord. No. 13-13)
- (j) Amendment of this code shall be by four-fifths vote of the full City Council.
- (k) The City Clerk shall notify the originator of the amendment request of the Council's decision in writing.

Subd. 3. Consideration after denial. Whenever an application for a rezoning has been considered and denied by the City Council, a new and substantially identical application for rezoning affecting the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial. For good cause shown, the City Council may, by majority vote of all its members, permit such a new application to be considered prior to the expiration of such period.

535.05. Variances and appeals. Subdivision 1. Authority/appeals. The City Council, acting as the board of appeals and adjustments, upon receipt of the recommendation of the Planning Commission, shall have the authority to review and rule on appeals upon the part of any affected property owner where it is alleged that there has been an error in the interpretation or application of the provisions of this code. (Amended, Ord. No. 11-14)

Subd. 2. Authority/variiances. The City Council, acting as the board of appeals and adjustments, upon the receipt of the recommendation of the Planning Commission, shall have the authority to consider and grant variiances to the provisions of this code, including the expansion of nonconformities subject to the following: (Added, Ord. No. 11-14)

- (a) variiances shall only be granted;

- (1) when the variance is in harmony with the purposes and intent of the code; and
 - (2) when the variance is consistent with the comprehensive plan. (Added, Ord. No. 11-14)
- (b) as part of the determination of whether to grant a variance, the applicant may also be required to establish that there are practical difficulties in complying with this code. "Practical difficulties," as used in connection with the granting of a variance, means that:
- (1) the property owner proposes to use the property in a reasonable manner not permitted by the code;
 - (2) the plight of the landowner is due to circumstances unique to the property and not created by the landowner; and
 - (3) the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Added, Ord. No. 11-14)

- (c) Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, Section 216C.06, subdivision 14, when in harmony with the code. (Added, Ord. No. 11-14)
- (d) Variances shall not be granted to permit any use not allowed in the district in which the property is located. (Added, Ord. No. 11-14)
- (e) The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. (Added, Ord. No. 11-14)

Subd. 3. Application. Requests for review and approval of variances or consideration of appeals shall be submitted by the applicant to the City staff upon an approved application form. Requests shall be submitted a minimum of four weeks prior to the Planning Commission meeting at which formal action is requested. A certificate of survey showing existing and proposed structures, if any, shall be submitted with all variance requests. (Amended, Ord. No. 11-14)

Subd. 4. Application fee. Submission of a request for a variance or an appeal shall be accompanied by a fee as established by Subsection 535.15 of this code. (Amended, Ord. No. 11-14)

Subd. 5 Review and approval. (Amended, Ord. No. 11-14)

- (a) Requests for consideration of variances and appeals shall be reviewed by the Planning Commission, which shall hold public hearings on the items.

- (b) Individual notices of the public hearing shall be mailed to each owner of record of property located within 350 feet of the exterior boundaries of the affected property at least ten days prior to the public hearing. Failure of a property owner to receive said notice shall not invalidate any proceedings set forth in this code provided a bona fide attempt has been made to comply with this Section.
- (c) It shall be the duty of the City staff, upon submission of a request for a variance or appeal, to prepare a report on the request for the use of the Planning Commission and City Council. Copies of the report and the submissions of the applicant shall be provided to the Planning Commission at least five days prior to the scheduled public hearing. Upon presentation at the public hearing, the report shall be entered in and made part of the record of the public hearing.
- (d) The Planning Commission shall hold the public hearing on the request as scheduled. The Planning Commission shall consider the report and recommendation of City staff along with the comments of any members of the public in attendance. The Planning Commission shall have the authority to request additional information of the applicant, or to obtain expert testimony at the expense of the applicant.
- (e) In considering a request for physical variances, the Planning Commission shall make specific findings of fact based upon the evidence and testimony presented regarding the determinations required in paragraphs (a) and (b) of Subdivision 2 of this Section. (Amended, Ord. 11-14)

- (f) In considering requests for appeals, the planning commission shall make specific findings of fact based upon the evidence and testimony presented regarding whether:
 - (1) the interpretation or application of the provisions of this code, in the specific instance cited, was or was not consistent with the intent of this code; and
 - (2) the interpretation or application of the provisions of this code, in the specific instance cited, was or was not consistent with the manner of interpretation or application of the same provisions in other specific, demonstrable situations.
- (g) After due deliberation, the planning commission shall formally act upon the requested variance or appeal in one of the following manners.
 - (1) recommend approval of the variance request or appeal, as submitted, to the city council;
 - (2) recommend approval of the variance request or appeal, with modifications or conditions, to the city council;
 - (3) recommend denial of the variance request or appeal to the city council;
 - (4) postpone action on the variance request or appeal to the next regular meeting of the planning commission or such later date as agreed to by the applicant; or
 - (5) table action on the variance request or appeal, but only with the consent of the applicant.
- (h) With the exceptions of action to postpone or table, the recommendation of the planning commission shall be forwarded to the city council for its consideration. In such case that the planning commission acts to postpone consideration of the variance request or appeal, the applicant shall be provided with a written statement of the reasons for such action. A variance request shall not be postponed more than once without the consent of the applicant and shall always be postponed to the next regular meeting of the planning commission or such later date as agreed to by the applicant. Following initial postponement or failure of the applicant to agree to a satisfactory later date and upon request by the applicant, the planning commission shall forward the variance appeal to the city council for consideration. In such instances, the planning commission may forward the matter with or without a recommendation. The planning commission shall have the authority to table consideration of a variance or appeal for the second time only with the consent of the applicant. Thereafter, the planning commission shall take up consideration of the variance or appeal at any regular meeting requested by one of its members or by the applicant.

- (i) Upon receiving the reports and recommendations of the planning commission and city staff, the variance or appeal request shall be placed on the agenda of the next regular city council meeting, or as soon as possible thereafter. Said reports and recommendations shall be entered in and made a part of the permanent written record of the city council meeting. (Amended, Ord. No. 13-13)
- (j) The city council shall have the option to set and hold a second public hearing as part of its deliberations on the request. If the city council determines to hold a public hearing, the notice requirements of subsection 535.05, subdivision 4(b) shall be followed. The city council retains the authority to question the applicant or his authorized representative regarding the proposal, to request additional information of the applicant or to obtain expert testimony.
- (k) After due deliberation, the city council shall formally act upon the proposed variance in one of the following manners:
 - (1) Approve the variance request or appeal as submitted;
 - (2) Approve the variance request or appeal with modifications or conditions;
 - (3) Disapprove the variance request or appeal;
 - (4) Postpone action on the variance request or appeal to the next regular meeting of the city council or at such later date as agreed to by the applicant; or
 - (5) Table action on the variance request or appeal, but only with the consent of the applicant.
- (l) Action by the city council approving, approving with modifications, or disapproving a variance request or appeal shall require a majority vote of the full city council. The applicant shall be provided with written documentation of the city council's action, substantiating the reasons for the council's decision. In such instance that the city council acts to postpone consideration of the variance or appeal, the applicant shall be provided with a written statement of the reasons for such action. A variance or appeal shall not be postponed more than once without the consent of the applicant and shall always be postponed to the next regular meeting of the city council or such later date as agreed to by the applicant. Following initial postponement or failure of the applicant and city council to agree to a satisfactory later date and upon request by the applicant, the city council shall act upon the variance or appeal. Failure of the city council to do so shall automatically be deemed to constitute disapproval. The city council with the consent of the applicant, shall have authority to table consideration of a variance or appeal.

Thereafter, the city council shall take up consideration of the variance or appeal at any regular meeting requested by one of its members or by the applicant. Action by the city council postponing or tabling a variance or appeal shall require a simple majority vote of those present.

- (m) Consideration after denial. Whenever an application for a variance or appeal has been considered and denied by the city council, a new and substantially identical application for a variance or appeal affecting the same property shall not be considered again by the planning commission or city council for at least six months from the date of its denial. For good cause shown, the city council may, by majority vote of all its members, permit such a new application to be considered prior to the expiration of such period.

Subd. 6. Lapse of variance or appeal. Whenever within one year after granting a variance or appeal, or two years if a legally binding development agreement has been executed between the applicant and the city for non-income producing single family residential dwellings, the work as permitted by the variance or appeal shall not have been completed, then such variance or appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the city council. Such extension shall be requested in writing and filed with the city at least 20 days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such petition shall be presented to the city council for a decision.

Subd. 7. Performance bond - variances. (Amended, Ord. No. 09-03)

- (a) Upon approval of a variance or appeal, the city shall be provided with a performance bond prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said bond shall guarantee completion of improvements to public infrastructure serving the improvements or development such as storm sewer and private site improvements such as landscaping, parking lots or surface water management such as rain gardens in conformance and compliance with the conditions of the variance or appeal and the codes and ordinances of the city. (Amended, Ord. No. 09-03)
- (b) The performance bond shall consist of a bond, cash escrow deposit or irrevocable letter of credit and be in an amount of the city engineer's estimated costs of labor and materials for the proposed improvements or development. (Amended, Ord. No. 09-03)
- (c) The city shall hold the performance bond until completion of the proposed improvements or development and a certificate indicating compliance with the variance or appeal and codes and ordinances of the city has been issued by the city building inspector. (Amended, Ord. No. 09-03)
- (d) Failure to comply with the conditions of the variance or appeal or the codes and ordinances of the city or both shall result in forfeiture of the bond.

535.07. Certificate of zoning compliance. Subdivision 1. Application. Said certificate shall be applied for coincident with the application for a building permit and shall be issued within ten days after the building inspector shall have found the building or structure satisfactory and given final inspection. Said application shall be accompanied by a fee established by resolution of the city council and set forth in Appendix B of the city code to defray the cost of processing. (Amended, Ord. No. 08-04)

Subd. 2. Construction performed pursuant to the provisions of Chapter IV of the city code establishing and regulating building codes of the city shall not be subject to the requirement of a certificate of zoning compliance established by this code. (Amended, Ord. No. 08-04)

535.09. Enforcement and penalties. Subdivision 1. This code shall be administered and enforced by the city manager who is hereby designated as the enforcing officer. The city manager may institute, in the name of the city, any appropriate actions or proceedings against a violator as provided by statute, charter or ordinance. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this code shall be subject to an administrative penalty in accordance with section 117 of the Robbinsdale city code and each day that a violation is permitted to exist shall constitute a separate offense. (Amended, Ord. No. 14-22)

535.11. Use permit. Subdivision 1. Permit required. As may be specified in the use district provisions of this code, a use permit shall be required prior to erection, addition, or alteration of any building structure use or land. A use permit shall be required prior to the change, modification, or extension of a nonconforming building structure or use.

Subd. 2. Application and fee. A use permit shall be applied for from the construction coordinator. Said application shall be accompanied by a detailed written statement or plans or both describing the proposed change, modification or alteration. An application fee established by resolution of the city council and set forth in Appendix B of the city code shall be charged for each use permit and shall not be refunded.

Subd. 3. Determination. Within ten days after the application for a use permit, the construction coordinator shall determine whether the change, modification, or alteration conforms to the requirements of all applicable city and state regulations and ordinances. This time limit for determination of receptibility shall be automatically extended should a referral to another governmental jurisdiction be required. The applicant shall be advised in writing of the construction coordinator's determination and findings and if acceptable, a use permit shall be granted.

Subd. 4. Certificate of zoning compliance. All cases requiring a use permit shall also require a certificate of zoning compliance and shall be subject to the provisions of subsection 535.07 of this code. (Revised, Ord. No. 91-4, Sec. 6)

Subd. 5. Performance bond.

- (a) Upon approval of a use permit the city shall be provided with a surety bond prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said bond shall guarantee conformance and compliance with the conditions of the use permit and the codes and ordinances of the city.
- (b) The surety bond shall be in the amount of the city engineer's or city building inspector's or both estimated costs of labor and materials for the proposed improvements or development.
- (c) The city shall hold the surety bond until completion of the proposed improvements or development and certificate of zoning compliance indicating compliance with the use permit and codes and ordinances of the city has been issued by the city building inspector.
- (d) Failure to comply with the conditions of the use permit or the codes or ordinances of the city or combinations thereof shall result in forfeiture of the bond.

535.13. Procedures for adopting and amending the comprehensive plan. Subdivision 1. Purpose and intent. This subsection is established to protect and promote health, safety, general welfare, and order within the city through the establishment of procedures, governing adoption and making amendments to the comprehensive plan. The provisions of this subsection are intended to insure that the adoption of the comprehensive plan and amendments made to the comprehensive plan are consistent with the sections of the city code regulating the development and natural environment of the city.

Subd. 2. Definitions.

- (a) "Comprehensive plan" means that document which encompasses the inventory, policy plan, concept plan, development framework/categorical plans, and management and implementation framework as adopted by the city council on August 18, 1981 and as amended.

Subd. 3. Administration of amendment requests.

- (a) Amendments: the city council or the city planning commission may, upon their own motion, initiate a request to amend the text or supporting maps of the comprehensive plan, or both. Any person, persons, firm or corporation or their express agent residing within the city may initiate a request.

Subd. 4. Procedures.

- (a) A request plus three copies of detailed written and graphic materials, where applicable, fully explaining the proposal for an amendment to the comprehensive plan shall be filed with the city and shall be charged a fee as established in subsection 535.15 of this code.
- (b) The amendment request and all related information shall be referred to the planning commission for consideration and recommendation to the city council.
- (c) An amendment request must be submitted by the applicant at least four weeks prior to the planning commission meeting at which formal action is requested. The city staff shall refer said amendment proposal along with all related information to the planning commission at least five days prior to the regular meeting.
- (d) The amendment request shall be referred to the city staff for a written report and recommendation to be presented to the commission. The city staff's report and recommendation shall be given to the planning commission at least five days prior to the meeting at which said report and recommendation are to be presented. The report and recommendation of the city staff is to be entered in and made part of the permanent record of the planning commission meeting.
- (e) The planning commission shall consider all effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:
 - (1) relationship to the code and the city code;
 - (2) relationship to comprehensive plan and any sub-area plans.
- (f) The planning commission shall hold a public hearing on all comprehensive plan adoptions and amendments. Notice of the time, place and purpose of this hearing shall be published in the official newspaper at least ten days prior to the day of the hearing.
- (g) The planning commission shall reach a decision not later than its second regular meeting following the meeting at which the amendment request was first considered by the commission. If the amendment is of metropolitan significance, the planning commission shall forward the amendment request, along with all related information, to the metropolitan council for review and comment.
- (h) Upon receiving the reports and recommendations of the planning commission, the city staff and the metropolitan council, if applicable, the amendment request shall be placed on the agenda of the next regular city council meeting, or as soon as possible thereafter. Said reports and recommendations shall be entered in and made part of the permanent record of the city council meeting at which the amendment is considered. (Amended, Ord. No. 13-13)

- (i) Amendment of the comprehensive plan shall be a four-fifths vote of the full city council.
- (j) The city shall notify the originator of the amendment request of the council's decision in writing.

535.15. Fees. Subdivision 1. Fees.

- (a) In order to defray administrative costs of processing requests for conditional use permits, zoning amendments, variances, appeals, and comprehensive plan amendments, a base fee established by resolution of the city council and set forth in Appendix B of the city code per application shall be charged.
- (b) In order to defray the additional cost of processing requests for conditional use permits, zoning amendments, variances, appeals, and comprehensive plan amendments, all applicants shall pay the total cost of staff or consulting time and materials expended by the city or both in processing of the applicant's requests.
 - (1) Staff or consulting time or both shall include but not be limited to time spent in advising the applicant, time spent researching information necessary for the review and analysis of the request, and time spent in the preparation of written or graphic materials necessary for the processing of the request. Staff or consulting time or both shall not include time spent in making presentations on the request before the planning commission or city council, but shall include time spent in conference with appropriate governmental agencies.
 - (2) Materials shall include, but not be limited to, maps, graphs, charts, drawings, official notifications, written reports, and the printing or reproduction of same.
 - (3) The charge for staff or consulting time or both shall be based upon an hourly rate established and made available to the applicant at such time as an application is submitted. The charge for materials shall be based upon their actual cost to the city.
- (c) For any application for a conditional use permit, zoning amendment, variance, appeal, or comprehensive plan amendment for a single family, non-income producing, residential use, structure, or property, which is intended for the sole use, enjoyment, or occupancy of the applicant, the base filing fee shall also be deemed to be to the total cost of processing the application.

Subd. 2. Fee payable.

- (a) The base fee shall be payable at the time an application is filed with and accepted by the city clerk and shall not be refundable except as provided for in subdivision 3 below.
- (b) At the time of application, the applicant shall be provided with an estimate of costs to process the application. The applicant shall thereupon be required to place on deposit with the city clerk a sum sufficient to cover the amount of the estimate.
- (c) Unless the applicant shall have paid the base fee and placed on deposit with the city clerk any required base fee or deposit, the application will not be scheduled for processing.
- (d) If at any time during the processing of an application the costs for such exceed the combined sum of an applicant's base fee and deposit by an amount greater than 10%, the applicant shall be so informed and provided with a revised estimate of costs. Thereupon, the applicant shall be required to place on deposit an additional sum sufficient to cover the amount of the revised estimate before any additional work on the application proceeds. An applicant may withdraw an application upon being provided the revised estimate of costs. In such case, the applicant shall be liable for the costs incurred for processing the application to the date of the withdrawal, provided such costs shall exceed the combined amount of the applicant's base fee and deposit of record on that date by more than 10%.
- (e) Upon completion of staff review and analysis of an accepted application and prior to any review or public hearing of the application by either the planning commission or city council, the applicant shall be provided with a final written statement of charges for processing the application. If the applicant's base fee and deposits are not sufficient to cover the total charges contained in the final statement, the applicant shall be required to pay the balance due, provided that in no case shall such balance exceed by 10% the combined amount of the applicant's base fee and deposits of record on that date.

Subd. 3. Fee refundable.

- (a) The base fee shall be refundable only upon written withdrawal of the application before any work shall have commenced upon its processing or as provided for in subdivision 2(a) above.
- (b) The deposit shall be refundable to the extent that it exceeds the amount which remains after the base fee has been subtracted from the charges shown in the final statement.
- (c) The deposit shall be refundable upon written notice of the applicant withdrawing an application, but then only after all costs of processing the application up to the date of the withdrawal have been subtracted.

- (d) The base fee or deposit, or portions thereof, may be refundable if upon petition by an applicant the city council makes a finding of fact that the applicant was charged excessive or unwarranted costs. The city council shall only consider such petitions prior to review or public hearing on the application by either the planning commission or itself.

Subd. 4. Fee waiver. The base fee and deposits required to be provided under the provisions of any preceding section shall be waived for any application involving a use or structure which became nonconforming as a result of the adoption of this code on December 22, 1972, provided that the application is made for the purpose of bringing said use or structure into conformance.