CHAPTER 62

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ZONING DISTRICT REGULATIONS

62.100 The regulations of this Chapter shall identify the uses allowed in each district and the general standards that shall apply to the development of specific uses within each district.

62.101 Uses may be categorized as either permitted uses or conditional uses according the rules listed below in Paragraph 62.112. In addition, additional types of development beyond these may be permitted under the regulations of Article 62.600 Incentive Development, and Article 62.700, Restricted Development.

62.102 Permitted Uses and Conditional Uses shall meet the standards established within the applicable zoning district regarding intensity of building development and site design. The purpose of these regulations is to insure a consistent character and intensity of development within each district, thereby minimizing the adverse impacts of adjacent land uses upon one another, and protection to the general health, safety, and welfare. Where multiple districts apply on a lot, the standards applicable to the majority of the area shall apply.

62.103 General standards applicable to each use type are found in the zoning district tables. The categories of standards are identified in Paragraphs 62.110 through 62.130.

62.104 Pursuant to authority by Minnesota Statues, Section 462.3593. Subdivision 9, The City of Rochester opts-out of the requirement of Minnesota Statues 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

62.110 DESCRIPTION OF GENERAL ZONING DISTRICT STANDARDS:

The zoning district tables contain requirements for the general zoning regulations described in the paragraph of this section.

62.111 List of Uses: Identifies those use categories which are either permitted or conditional in the zoning district.

62.112 Use Type: Uses identified with a (I) are considered permitted uses; if meeting all applicable standards, such uses may be processed as a zoning certificate application through the Type I procedure. Uses identified with a (II) or (III) are considered conditional uses which must first obtain approval through the conditional use permit process utilizing the Type II or III procedure respectively. Approved conditional uses must obtain zoning certificate approval prior to the commencement of any development activity as required by Paragraph 62.111. Uses identified with a VAR (Variable) are classified as either permitted uses or conditional uses within the detailed regulations of this chapter.

62.113 Applicable Detailed Regulation: For certain uses, specific standards above those imposed by the other sections of the ordinance are applied to address impacts that the specific use may have which are unique for that type of use.
62.114 **Density Factor:** Establishes the maximum density of dwelling units per acre for certain residential use types. The density factor is applied to the net buildable area of the lot, as determined by the site capacity calculation (See Section 61.530). The Density Factor without bonus applies to permitted and conditional uses, while the Density Factor with bonus applies to Incentive Development (See Article 62.600).

62.115 **Floor Area Ratio:** Establishes the maximum ratio of floor area to net buildable area on a zoning lot, as determined by the site capacity calculation (See Section 61.530). The Floor Area Ratio without bonus applies to permitted uses and conditional uses, while the Floor Area Ratio with bonus applies to Incentive Development (See Article 62.600).

62.116 **Lot Size (L) or Site Area (S):** The lot size standard establishes the minimum size lot, in square feet, for certain types of residential development, while the site area standard establishes the minimum size of parcel or tract, in square feet, on which the development of a particular use may occur. Lot size or site area are measured on a horizontal plane.

62.117 **Landscaped Area:** Establishes the minimum percentage of lot area which shall be provided as landscaped area in a development. This percentage may be reduced by the integration of landscape material in the development. The allowable reduction is calculated according to the procedure outlined in Section 63.230.

62.118 **Minimum Percentage of Recreation Space:** Establishes the minimum amount of usable recreation space which shall be provided for certain types of residential development.

62.119 **Height:** Establishes the maximum height, in feet above grade, allowed for structures within a given zoning district.

62.120 **DESCRIPTION OF DEVELOPMENT STANDARDS:**

For each type of permitted or conditional use the zoning district tables identify requirements for the category of standards listed in the following paragraphs.

62.121 **Required Off-Street Parking:** Establishes the number of off-street parking spaces which shall be required for the particular use type under consideration.

62.122 **Setbacks:** Establishes numerical requirements, in feet, or identifies appropriate reference paragraphs, for yards and setbacks. The requirements are applied according to the regulations of Section 63.110. Yards and setbacks are measured on a horizontal plane.

62.123 **Minimum Width at Building Line:** Establishes a numerical standard, in feet, for minimum lot width for certain types of development. This width shall be measured between non-intersecting lot lines. On lots with curvilinear front lot line, the width shall be measured as the length of the tangent to the front yard line.

62.124 **Access Location:** Identifies criteria (A through L) to be satisfied in terms of permitted access location for particular types of development.
62.125 **Bufferyard Indicator:** Identifies an assigned level of intensity (I through XI) that is utilized in Paragraph 63.262 to determine the required bufferyard that a development shall provide.

62.126 **Density Determination for Multi-Family Residential Uses:** Except in the R-2x District and the TOD District, the density of multi-family residential uses shall be calculated using the following conversion factors:

Efficiency Units are equivalent to 0.70 units
Units with three or more bedrooms are equivalent to 1.30 units
All other units are calculated as 1.00 unit.

62.130 **DESCRIPTION OF PERFORMANCE STANDARDS:**

For each type of permitted or conditional use, the zoning district tables identify requirements for the category of standards listed in the following paragraphs.

62.131 **Hours of Operation:** Identifies limits in terms of the earliest and latest hours when a nonresidential use can be in operation.

62.132 **Exterior Lighting:** Identifies the level of performance (R,A,B,C,D,E) which will apply to Exterior Lighting on a site for a particular type of development.

62.133 **Sign Regulations:** Identifies a level of performance (R,A,B,C,D,E) to be met on a site for a particular development in the establishment of signage.

62.134 **Exterior Storage:** Identifies a level of performance (R,A,B,S,T,V) to be met for exterior storage; in certain instances, a percentage may also be listed which identifies the maximum percentage of the site area which may be devoted to outdoor storage area.

62.135 **Landscaping:** Identifies if general landscaping is not required by the symbol (NR); or identifies a numerical landscape material point base which is used in Section 63.230 to calculate the reduction in landscape area allowed through the provision of landscape natural within the development.

62.140 **USE CATEGORIES:**

Contained in this section are the descriptions of each category of use which may be listed as a Permitted or Conditional Use in the Zoning District Tables. For every development application determine which use category the proposed development most closely corresponds to and whether the use is permitted in the applicable zoning district.

62.141 **Residential Uses:** Subdivision 1. The following is a list and description of the residential use categories:

   Subd. 2. **Single Family Detached:** A one family detached dwelling as defined.

   Subd. 3. **Single Family Attached:** A one family attached dwelling as defined.

   Subd. 4. **Duplex:** A two family dwelling as defined.
Subd. 5. **Attached Dwelling:** An attached dwelling, as defined.

Subd. 6. **Performance Residential Development:** A development consisting of one or more types of detached or attached one and two family dwellings developed according to the standards established for performance residential use in this ordinance. In the CN-NR district, performance residential developments are referred to as “townhouses” which are a type of attached one family dwellings that must only meet selected standards established for performance residential uses in 62.261 or setbacks in sections 62.283 - 62.285.

Subd. 7. **Cottage Development:** A cottage development, as defined.

Subd. 8. **Multi-Family Residential:** A building containing three or more dwelling units. The term includes cooperative apartments, condominiums, and the like. For the purposes of these regulations, regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental periods of one week or less shall be considered a hotel.

Subd. 9. **Group Residential Care:** Group residential care uses include any day care facilities or residential facilities as each are defined by this Code.

Subd. 10. **Semi-Transient Accommodations:** Semi-transient accommodations include rooming houses and fraternity or sorority houses as defined by this Code.

Subd. 11. **Manufactured Housing:** A development consisting of manufactured homes exclusively or in combination with other dwelling units which meet the standards for manufactured housing established in this Code.

Subd. 12. **Live/Work Dwelling:** A live/work dwelling, as defined.

Subd. 13. **Congregate Housing:** A dwelling providing shelter and services for the elderly, which may include meals, housekeeping, personal care assistance and minor medical services, but not intermediate, long term or extended nursing care for residents.

Subd. 14. **Medical Stay Dwelling Unit:** A dwelling unit where accommodations are furnished exclusively to medical patients, their families, and caregivers while the patient is receiving or waiting to receive health care treatments or procedures for a period of one week or more, and where no supportive services, health supervision, or home care services are provided. Medical Stay Dwelling Units must hold a valid lodging license from the State or County.

Subd. 15 **Accessory Use:** Accessory use is defined as a building, structure or use located or conducted upon the same lot (or on a contiguous lot in the same ownership) as the principal building, structure or use to which it is related, which is 1) clearly incidental to, and customarily found in connection with, such principal building or use and 2) is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot. See 62.278 for detailed list of accessory use regulations.
62.142 **Office Uses:** A building or portion of a building used for office purposes by a business, service, professional or institutional establishment, including medical offices or clinics, studios for those involved in art, sculpture, music and the like, and all other establishments similar in character.

62.143 **Services Uses:** The following is a list and description of the service use categories:

A. **Transient Accommodations:** Hotels as defined by this ordinance.

B. **Personal Service:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as barber shops, clothing rental, fitness center, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants) or coin operated laundries.

C. **Business Service:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services and computer programming/data processing services.

D. **Repair and Maintenance Shops:** Establishments engaged in miscellaneous repair services, primarily of household oriented products such as radios, televisions, washers and dryers, furniture (including re-upholstery) small engine repair, bicycles or locksmiths.

E. **Educational Services:** Establishments engaged in furnishing specialized academic or technical courses, normally on a fee basis, such as vocational or correspondence schools, barber college, data processing schools or secretarial schools, along with non degree granting schools such as post-secondary colleges and universities, martial arts, music, art, ceramic, dramatic, charm schools, and dance instruction.

F. **Membership Organizations:** Organizations operating on a membership basis for the promotion of the interests of the members, including such uses as trade associations, business associations, professional membership organizations, labor unions, civic or fraternal organizations, but not including churches, hospitals, golf and country clubs, or credit unions.

G. **Medical Facilities:** Establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services) and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including animal hospitals.

H. **Nursing and Personal Care Facilities:** Establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.

I. **Veterinary Services and Animal Specialties:** Establishments engaged in the practice of veterinary medicine, dentistry or surgery, along with those providing animal related services such as kennels, grooming or breeding services.
J. **Automotive Maintenance Services**: Establishments oriented towards providing warranty maintenance, parts replacement, and upkeep for automobiles and light trucks, where the service provided can usually be completed in one working day or less, which typically do not sell parts at retail for an individual's private use. An automotive maintenance establishment may have one car wash bay as an accessory use to the principal use of the property.

K. **Automotive Repair Services**: Establishments involved in the major repair of automobiles and light trucks, where the service is non routine in nature, affecting major structural or mechanical components of the vehicles, which may involve storage of the vehicle for multiple days on the site. The repair of all other classes of trucks and motor homes is included.

L. **Auto Center**: An establishment which is engaged in both the retail sales of a limited or full range of auto parts and fuels and the repair and maintenance of automobiles and light trucks. Self-service, automated or full service car washes as a principal use of property are included in this.

M. **Fast Food Restaurant**: An establishment whose principal business is the sale of food and/or beverages in a ready to consume state for consumption (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as a carry out order, and whose principal method of operation involves serving food and/or beverages in edible containers or in paper, plastic or other disposable containers.

N. **Standard Restaurant**: An establishment whose principal business is the sale of food and/or beverage to customers in a ready to consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their food and beverage by restaurant employees at the same table or counter at which the food and/or beverage are consumed, (2) a cafeteria type operation where food and beverage generally are consumed within the restaurant building.

O. **Transportation Services**: Establishments furnishing services related to the arrangement of persons and goods movements, such as freight forwarding, parking services or the rental/leasing of automobiles or two axle trucks.

P. **Neighborhood Food Sales/Service**: Establishments primarily intended to serve the local neighborhood whose principal business is the sale of food and/or non-alcoholic beverages including a standard restaurant, bakery, coffee house, ice cream parlor, deli, grocery or similar use. However, no one use may exceed 2,000 square feet of floor area.

Q. **Self-Service Storage Facility**: A structure containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time for the purpose of dead storage only. Accessory uses may include vehicle storage and resident management living units. (Dead storage is storage of goods not in use and not associated with any office, retail or other business use on premises.)
Merchandising Uses: The following is a list and description of the merchandising use categories:

A. Retail Trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These establishments are characterized by the following: (1) They buy and receive as well as sell merchandise; (2) They may process some products, but such processing is incidental or subordinate to the selling activities; and (3) They predominantly sell to customers for their own personal or household use.

B. Convenience Retail: Establishments engaged in the retailing of goods normally purchased and utilized by persons during the course of a typical week, located primarily for the convenience of residents in the area, and including the sale of automotive fuels.

C. Sales and Storage Lots: Establishments engaged in the display for sale or lease of automobiles, trucks, farm machinery, recreational vehicles and manufactured homes, including auto dealerships or the commercial storage of privately owned trailers, boats, campers or similar vehicle.

D. Wholesaling: Establishments engaged primarily in selling merchandise to retailers, or to industrial, commercial institutional or professional business customers, or to other wholesalers, or on a mail order basis to individuals or firms, or which serve as agents or brokers buying merchandise for, or selling merchandise to, individuals and companies.

E. Neighborhood Retail: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These establishments are characterized by the following: (1) They buy and receive as well as sell merchandise; (2) They may process some products, but such processing is incidental or subordinate to the selling activities; (3) They predominately sell to customers for their own personal or household use; and (4) no single use exceeds 2,000 square feet.

Transportation and Communication Uses: Following is a description of uses considered as transportation/communication uses:

1) Railroad Transportation: Establishments engaged in domestic freight and passenger transportation by rail, and including railroad yards, freight stations and switching yards.

2) Local Transit: Establishments primarily engaged in furnishing local and suburban passenger transportation, including taxi cabs, passenger charter services, school buses, and terminals (including service facilities) for motor vehicle passenger transportation.

3) Motor Freight and Warehousing: Establishments engaged primarily in either the storage or shipment of goods and materials, including terminal facilities for handling freight, and maintenance facilities in which the truck (including tractor trailer units) involved with the operation of the business are stored, parked and serviced. Materials within a warehouse or terminal facility may be combined, broken down, or
aggregated for transshipment or storage purposes where the original material is not chemically or physically changed.

4) **Communication:** Establishments furnishing point to point communication services, whether by wire or radio, either aurally or visually, including radio and television broadcasting, and the exchange or recording of messages, including necessary transmitter and related equipment.

5) **Emergency Services:** Establishments engaged in providing ambulance services or related emergency first aid services.

6) **Air Transportation:** Establishments engaged in domestic, emergency, or foreign transportation of passengers or goods by air, including airports, flying fields, rotocraft terminals, as well as any associated terminal facilities.

7) **Parking Facility:** Any structure associated with a nonresidential use whose purpose is to provide the required off-street parking spaces for a principal use, or any site utilized for parking which constitutes the principal use on a parcel of land. This category also includes community lots which are established to meet the parking needs in a residential area.

62.146 **Industrial Uses:** The following is a list and description of the industrial use categories:

1) **Heavy Industrial:** Establishments involved in the manufacture, fabrication, processing, compounding or assembling of materials from raw material or previously processed material. These uses have severe potential for adversely affecting surrounding land uses due to potential environmental impacts related to noise, smoke/particulate emissions, vibration, noxious gases, odors, glare/heat, fire/explosion hazards and waste disposal. In addition, these uses may generate large amounts of truck or auto traffic, may involve the use of large unenclosed production areas, or may require large, tall structures that are unsightly. Heavy industrial uses typically involve primary production processes in the area of paper products (pulp mills), food processing (slaughterhouse, meat packing plant), chemicals (manufacture of inorganic chemicals, resins, plastics, paints, fertilizers, explosives, ink), petroleum products (refineries, bulk storage), primary metals (blasting, smelting, rolling), machinery and equipment manufacturer (auto assembly, engines, construction equipment), leather (storing, curing, tanning), gravel based products (manufacture of bricks, concrete, abrasives), and lumber products (saw mills).

2) **Light Industrial:** Establishments involved in the processing, fabrication, assembly or compounding of products where the process involved is relatively clean and nuisance-free, usually completely enclosed, and without adverse environmental effects. These uses can be made compatible with surrounding areas through buffering and through separation required by yard and height limitations. Typically, these uses result in the creation of finished products for sale on a wholesale basis to retailers or directly on a retail basis, and include uses in the following areas: lumber products (millwork, cabinet-making) textiles, printing and publishing services, bottling works, carpet and rug cleaning, furniture manufacture, paper (final processing of stationery, bags, etc. , from purchased bulk stock), rubber and plastics (compounding processed resins, molding plastics), gravel based products (pottery, cutting, finishing granite, firing and decorating clay products), and ice manufacturing.
3) **Non-Production Industrial**: Establishments that normally are considered industrial in character even though they are not involved in the manufacturing or processing of products. These uses generate negative impacts largely through their need for outside storage of equipment and materials, the large expanse of land needed for this storage, and the creation of dirt, dust and noise, along with intermittent truck traffic. These uses generally can be made compatible through screening and the imposition of limited performance standards, and thus are not objectionable in most industrial or commercial districts. The types of uses categorized here includes contractor’s yards, lumber yards, utility yards, and public maintenance shops and yards.

4) **Junkyards**: Any lot, land, parcel, building, or structure or part thereof used for the storage, processing, or abandonment of wastepaper, rags, scrap metal or other scrap of discarded goods, materials, or machinery, or two or more unregistered, inoperable motor vehicles.

5) **Research and Testing**: Establishments or other facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products, on a contract or fee basis, and including pilot plant operation.

6) **Trade Shops**: Any lot, land, building, or structure that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, plastering, masonry, carpentry, roofing, well drilling, and the like, where tools, equipment and materials used in the business are stored. This category also includes establishments involved in specialized trades such as sheet metal, sign painting, drapers, and exterminators.

62.147 **Leisure Uses**: The following is a list and description of the Leisure Use categories:

1. **Campgrounds and Trailing Parks**: Establishments engaged in providing overnight or short-term sites for the placement of recreational vehicles or temporary housing, with or without facilities such as water and electricity.

2. **Outdoor Recreation Facility**: A commercial recreation facility that is primarily an open air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, or miniature golf facilities.

3. **Restricted Recreation**: Commercial recreation facilities that are of greater nuisance than conventional outdoor athletic facilities because of 1) the noise and traffic volumes they may generate; 2) the glare they produce; or 3) the potential danger they may create from flying objects or the use of weapons. This category includes such uses as amusement parks, race tracks (auto, go-cart, motorcycle) or ranges (skeet, rifle or archery).

4. **Indoor Athletic Facility**: A commercial recreation facility that provides completely enclosed or indoor recreation space, such as racquet clubs, indoor skating rinks or swimming pools, or gymnasiums.

5. **Indoor Recreation**: Establishment primarily engaged in activities intended to provide personal amusement, with the largest number of patrons typically during the evening.
hours or on weekends, and where food and refreshments may be provided as an incidental service, including such uses as bowling alleys, billiard, pool or bingo parlors, amusement arcades, archery range, and indoor theaters (live or motion pictures).

6. **Drinking and Entertainment**: Establishments primarily engaged in the selling of drinks for consumption on the premises, where entertainment may be provided and the incidental sale of prepared food for consumption on the premises is permitted. These establishments may often charge a fee or admission charge for the entertainment provided. Included in this category are bars, beer gardens, discotheques, night clubs, taverns and dance halls.

7. **Outdoor Entertainment**: An outdoor facility developed for entertainment, amusement or tourist purposes which typically involve sizable areas of land and concentrated traffic peaks oriented towards events at the facility, including drive-in theaters, amphitheaters, outdoor concert halls or theme parks.

8. **Entertainment, Adult**: Adult bookstores, adult motion pictures theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, adult body painting studios, and other adult establishments.

9. **Indoor Gun Range**: An indoor area or facility designated or operated primarily for the use of firearms.

62.148 **Agricultural Uses**: The following is a list and description of the agricultural use categories:

1. **Agricultural Production**: Establishments engaged in the production of crops, plants or vines, including forestry, and the incidental sale of produce raised on the premises to individuals, or establishments in existence on the effective date of the ordinance which are engaged in the keeping, grazing or feeding of livestock for sale, value increase, or livestock increase.

2. **Animal Husbandry**: The keeping of domestic animals, such as horses, dogs, cats, bees, etc., not primarily for produce or value increase but rather for show, sport, or as pets.

3. **Agricultural Services**: Establishments that perform services which support or assist the agricultural community, such as soil preparation services, crop services, farm management services, or breeding services on a fee or contract basis, along with experimental farms for research or educational purposes. This category is intended to apply where land is the location of buildings and other structures that provide office, warehouse, and storage areas for these establishments.

4. **Agricultural Support**: Establishments engaged in farm equipment sales and repair, farm produce sales and supply (feed grain, elevators) and small scale farm product processing, such as cidermills, dairies, poultry or meat processing.

5. **Retail Agriculture**: Establishments that are primarily engaged in providing services related to or conducting the sale at retail of horticulture and floriculture products, including nurseries, greenhouses, lawn and garden services, or ornamental shrub and
tree services. These enterprises typically produce their own stock, unlike a garden center which imports from other establishments the products it sells at retail.

62.149 **Other Uses:** This section contains a list and description of other uses also classified by this ordinance.

Subdivision 1. **Area Accessory Development:** Developments which provide facilities to meet the area needs of a social or technical nature, such as churches, institutional buildings, public parks, nursery, elementary or secondary schools, temporary shelters operated by nonprofit agencies, public emergency service facilities, utility system components, WECS, WECS Meteorological Tower, solar collection system, subject to the regulations in section 62.930 of this ordinance.

Subd. 2. **Temporary Uses:** A use which does not conform to the regulations of the applicable zoning district established for a fixed period of time with intent to discontinue such use upon the expiration of such time. A temporary use shall not involve the construction or alteration of any permanent building or structure, and shall be regulated as provide for in section 61.115.

Subd. 3. **Drive-in Facilities:** An establishment which by design, physical facilities, service or by packaging procedures encourages or permit customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Subd. 4. **Substantial Land Alteration:** See Section 62.1101(2)(a).

Subd. 5. **Quarry:** See Section 62.1101(2)(b).

Subd. 6. **Sand or Gravel Excavation:** See Section 62.1101(2)(c).

Subd. 7. **Advertising Sign:** See Section 60.00 and 63.220.

Subd. 8. **Outdoor Community Information and Public Events Screen:** See Section 60.00 and 63.220.
### 62.200 RESIDENTIAL ZONING DISTRICT TABLES:
The Zoning District Tables in this article contain the basic lot development standards and site appearance controls applicable to uses in any of the Residential zoning districts established by this ordinance.

### 62.210 R-Sa MIXED SINGLE FAMILY OVERLAY DISTRICT
This article lists the standards applicable to uses allowed in the R-Sa District.

### 62.211 R-Sa GENERAL ZONING DISTRICT STANDARDS
The following table identifies the general zoning district standards applying to uses in the R-Sa Zoning District.

#### COMMENTARY:
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

#### NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH 62.111</td>
<td>PARAGRAPH 62.112</td>
<td>PARAGRAPH 62.113</td>
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<tr>
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<td>Regulations found in Sec. 62.260</td>
<td>Primarily found in Par. 62.263</td>
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<tr>
<td>Single Family Detached</td>
<td>I</td>
<td>62.266 (2)</td>
<td>64.132</td>
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<td></td>
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<td>62.266 (2)</td>
<td>60.424 (5)</td>
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<tr>
<td>Group Residential Care</td>
<td>VAR</td>
<td>62.263(2)</td>
<td>62.266(1)</td>
<td>64.132</td>
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<td>62.266(2)</td>
<td>60.424 (5)</td>
<td>70%</td>
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<tr>
<td>Nursing and Personal Care</td>
<td>ii or iii</td>
<td>62.263(3)</td>
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<td>62.932</td>
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<tr>
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<td>62.932</td>
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<tr>
<td>Medical Stay Dwelling Unit</td>
<td>I</td>
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<td>62.263 (6)</td>
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<td>62.932</td>
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</tbody>
</table>

**SUPPLEMENTARY NOTES**: (Footnotes at the bottom of the table)
- % stands for “percentage”
- NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE
- DEFINITION OF PARKING: SEE DEFINITION OF PARKING AND PARAGRAPH 62.121
- DEFINITION OF HEIGHT: SEE DEFINITION OF HEIGHT
- REGULATIONS FOR OFF-STREET PARKING: SEE PARAGRAPH 62.121

**FOOTNOTES AT THE BOTTOM OF THE TABLE:**
- For Permitted Uses: See Paragraph 62.263(6)
- For Incentive Development: See Paragraph 62.263(6)
- Definition of Lot & Site in Chapter 60: See Paragraph 62.263(6)
- General Regulations Sec. 63.130: See Paragraph 62.263(6)
- General Regulations Sec. 63.140: See Paragraph 62.263(6)
- Exceptions to Standard Par. 60.424: See Paragraph 62.263(6)
- Regulations for Off-street parking in Section 63.400: See Paragraph 62.263(6)
### 62.212 R-Sa SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the R-Sa Zoning District.

**COMMENTARY:**
- The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
- Stnd is the abbreviation for "Standards"

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>PRIMARY REFERENCE</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>PARAGRAPH 62.111</td>
<td>Required Front Yard</td>
<td>Hours of Operation</td>
<td>Section 63.210</td>
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<tr>
<td></td>
<td>PARAGRAPH 63.110(1)</td>
<td>Side Yard Least Width</td>
<td>Exterior Lighting</td>
<td>Section 63.220[1]</td>
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</tr>
<tr>
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<td>PARAGRAPH 63.110(2)</td>
<td>Minimum Sum of Side Yards</td>
<td>Sign Regulations</td>
<td>Section 63.230</td>
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<td>PARAGRAPH 62.123</td>
<td>Minimum Rear Yard</td>
<td>Landscape Material Point</td>
<td>Section 63.240</td>
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<td>Exterior Storage</td>
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<td></td>
<td></td>
<td></td>
<td>Regulations</td>
<td>see 63.260</td>
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**NOTES:**
- Description of each category found in Section 62.140
- General Yard Requirements in 63.100
- How Yards can be used in 63.120
- Section 63.210
- Section 63.220[1]
- Section 63.230
- Section 63.240
- Section 63.250
- To Determine Req. Buffer see 63.260

<table>
<thead>
<tr>
<th>CATEGORICAL USE</th>
<th>PRIMARY REFERENCE</th>
<th>MINIMUM SETBACKS AND YARDS</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>SITE LOCATION REQUIREMENT</th>
<th>BUFFERYARD INDICATOR</th>
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</thead>
<tbody>
<tr>
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<td></td>
<td>Required Front Yard</td>
<td>Hours of Operation</td>
<td>Section 63.210</td>
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<td>Side Yard Least Width</td>
<td>Exterior Lighting</td>
<td>Section 63.220[1]</td>
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<td>Minimum Sum of Side Yards</td>
<td>Sign Regulations</td>
<td>Section 63.230</td>
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<td>Minimum Rear Yard</td>
<td>Landscape Material Point</td>
<td>Section 63.240</td>
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<td>Exterior Storage</td>
<td>To Determine Req. Buffer</td>
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<td>Regulations</td>
<td>see 63.260</td>
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<table>
<thead>
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<th>PRIMARY REFERENCE</th>
<th>SETBACKS AND YARDS</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>SITE LOCATION REQUIREMENT</th>
<th>BUFFERYARD INDICATOR</th>
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<tr>
<td>Single Family Detached</td>
<td>35</td>
<td>10</td>
<td>24</td>
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<td>Group Residential Care</td>
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<td>10</td>
<td>24</td>
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<td>Nursing &amp; Personal Care, 50' MINIMUM</td>
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<tr>
<td>Substantial Land Alteration</td>
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<td>Sand or Gravel Excavitation</td>
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<td>Crop Production</td>
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<td>Area Accessory Development, 50' MINIMUM</td>
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</table>

**FOOTNOTES:**
[1] Refer to Section 63.226 Subd. 4 for standards of development signs.
### 62.220 R-1 MIXED SINGLE FAMILY DISTRICT

This article lists the standards applicable to uses allowed in the R-1, Mixed Single Family Residential District.

### 62.221 R-1 GENERAL ZONING DISTRICT STANDARDS

The following table identifies the general zoning district standards applying to uses in the R-1 Zoning District.

**COMMENTARY:**

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.

Abbreviations/Symbols in the table:

- % stands for "percentage"
- NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>PRIMARY REFERENCE</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>DENSITY FACTOR TYPE I - TYPE II - TYPE III DENSITIES</th>
<th>FLOOR AREA RATIO TYPE I</th>
<th>TYPE III</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>REQUIRED OFF-STREET PARKING</th>
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</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH</td>
<td>Description of each Use</td>
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<td>PARAGRAPH 62.112</td>
<td>Regulations found in Sec. 62.260</td>
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<td></td>
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<td>Primarily found in Par. 62.263</td>
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<td>For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 60</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.140</td>
<td>Exceptions to Standard Par. 60.424</td>
<td>Regulations for Off-street parking in Section 63.400</td>
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</table>

Example:

- **Single Family Detached**: I
- **Group Residential Care**: VAR 62.263 (A)(2)
- **Medical Facilities**: VAR 62.263 (3)
- **Nursing and Personal Care**: VAR 62.263 (5)
- **Funeral Homes**: II or III
- **Substantial Land Alteration**: III, Phase II
- **Sand or Gravel Excavation**: III, Phase II
- **Agricultural Operations**: I 62.264(1)(2)
- **Area Accessory Development**: I or III 62.930
- **Offender Transitional Housing**: III/Phase I 62.940-62.945
- **Medical Stay Dwelling Unit**: I 62.141 (11)
### R-1 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the R-1 Zoning District.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.

The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

#### ABBREVIATIONS/SYMBOLS in the table:
- Stnd is the abbreviation for “Standards”

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<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
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<tr>
<td></td>
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<td>Required Front Yard</td>
<td>Minimum Sum of Side Yards</td>
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<td>Hours of Operation</td>
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<tr>
<td>NOTES</td>
<td>Description of each category found in Section 62.140</td>
<td>General Yard Requirements in 63.100 How Yards can be used in 63.120</td>
<td>Section 63.210</td>
<td>Section 63.220[2]</td>
<td>Section 63.230</td>
</tr>
</tbody>
</table>

#### FOOTNOTES:
- [2] Refer to Section 63.226 Subd. 4 for standards of development signs.

**FOOTNOTES:**
- [2] Refer to Section 63.226 Subd. 4 for standards of development signs.
62.223 **R-1x MIXED SINGLE FAMILY EXTRA DISTRICT:**
This article lists the standards applicable to uses allowed in the R-1x, Mixed Single Family Extra Residential District.

62.224 **ZONING R-1x GENERAL DISTRICT STANDARDS**
The following table identifies the general zoning district standards applying to uses in the R-1x Zoning District.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
- % stands for “percentage”
- NUMBERS IN BRACKETS [] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>Required Off-Street Parking</th>
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</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
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<td>Regulations found in Sec. 62.260</td>
<td>Type III Development Approved Through Req of Section 62.600</td>
<td>For Permitted Uses</td>
<td>For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 60</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.140</td>
<td>Exceptions to Standard Par. 60.424</td>
<td>Regulations for Off-Street Parking</td>
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<tr>
<td>Single Family Detached</td>
<td>I See Def Dwelling 1 Fam Detached</td>
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<td>62.266(1) 64.132</td>
<td></td>
<td>6000(L)</td>
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<td>2 PER NEW DWELLING UNIT</td>
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<td>Duplex</td>
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<td>62.266(1) 64.132</td>
<td>5.5 – 8.71 – 15.00[1]</td>
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<td>60%</td>
<td>22%</td>
<td>2 PER NEW DWELLING UNIT</td>
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<tr>
<td>Manufactured Home Park</td>
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<td>62.262</td>
<td>62.266(1) 64.132</td>
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<td>6000 (L)</td>
<td>50%</td>
<td>62.262(3)(b) (15)(g)</td>
<td>35</td>
<td>2 PER MANUFACTURED HOME</td>
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<td>VAR</td>
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<td>62.266(1) 64.132</td>
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<td>6000(L)</td>
<td>50%</td>
<td>35</td>
<td>1 SPACE/EMP LARGEST SHIFT</td>
<td></td>
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<tr>
<td>Offices</td>
<td>VAR</td>
<td>62.264(3)</td>
<td></td>
<td></td>
<td>.06 .080</td>
<td>60%</td>
<td>24</td>
<td>1 PER 200 SQ FT FLOOR AREA</td>
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<tr>
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<td>II or III</td>
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<td>5 PER PRINCIPAL MEDICAL PROFESSIONAL</td>
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<td>1 SPACE/EMP LARGEST SHIFT PLUS ONE SPACE PER SIX BEDS</td>
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<td>Funeral Homes</td>
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<td>.20 .30</td>
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<td>24</td>
<td>1 PER 4 PERSONS, BASED ON MAXIMUM CAPACITY OF BUILDING</td>
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<td>1 PER EMPLOYEE ON LARGEST SHIFT</td>
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<tr>
<td>Sand or Gravel Excavation</td>
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<td>1 PER EMPLOYEE ON LARGEST SHIFT</td>
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<td>Agricultural Operations</td>
<td>I</td>
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<td>Area Accessory Dvlpmnt</td>
<td>I or II</td>
<td>62.930</td>
<td>62.933</td>
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<td>62.940-62.945</td>
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</tbody>
</table>

**FOOTNOTES:**
[1] ADJUSTMENTS TO PERFORMANCE RESIDENTIAL DENSITIES:
- DENSITIES FOR TYPE I OR II REDUCED 30% IF ACCESS VIA DEAD END LOCAL STREET
- DENSITIES FOR TYPE I OR II INCREASED BY 40% IF FRONTAGE ALONG ARTERIAL STREET
# R-1x SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the R-1 Zoning District.

**COMMENTARY:**
- The row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS** in the table:
- Stnd is the abbreviation for "Standards"

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
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<tbody>
<tr>
<td><strong>SETBACKS AND YARDS</strong></td>
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<td>25</td>
<td>6</td>
<td>16</td>
<td>25</td>
<td>60</td>
</tr>
<tr>
<td>Minimum Sum of Side Yards</td>
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<td>16</td>
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<tr>
<td>Minimum Rear Yard</td>
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<td>6</td>
<td>16</td>
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<td>16</td>
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<td>Exterior Lighting</td>
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<tr>
<td><strong>NOTES</strong></td>
<td>Description of each category found in Section 62.140</td>
<td>General Yard Requirements in 63.100 How Yards can be used in 63.120</td>
<td>Section 63.210</td>
<td>Section 63.220[3]</td>
<td>Section 63.230</td>
</tr>
</tbody>
</table>

**FOOTNOTES:**
- [3] Refer to Section 63.226 Subd. 4 for standards of development signs.
62.230 R-2 LOW DENSITY RESIDENTIAL DISTRICT
This article lists the standards applicable to uses allowed in the R-2, Low Density Residential District.

62.231 R-2 GENERAL ZONING DISTRICT STANDARDS
The following table identifies the general zoning district standards applying to uses in the R-2 Zoning District.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
% stands for "percentage"

NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>Primary found in Par. 62.263</th>
<th>Use Type</th>
<th>Regulations found in Sec. 62.290</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>Required Off-Street Parking</th>
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**FOOTNOTES:**
Density for Type I or II reduced 30% of site adjacent to side or front yard of land zoned R-1.
Density for Type I or II reduced 35% if access via dead-end local street.
# 62.232 R-2 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the R-2 Zoning District.

**COMMENTARY:**

- The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**

- Stnd is the abbreviation for "Standards"

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>PRIMARY REFERENCE</th>
<th>List of Permitted Uses</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
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<tr>
<td></td>
<td>PARAGRAPH 62.111</td>
<td></td>
<td>Required Front Yard</td>
<td>Side Yard Least Width</td>
<td>Minimum Sum of Side Yards</td>
<td>Minimum Rear Yard</td>
<td>Hours of Operation</td>
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<td>Description of each category found in Section 62.140</td>
<td>General Yard Requirements in 63.100 How Yards can be used in 63.120</td>
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<td>12</td>
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<td>Medical Facilities</td>
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<td>Substantial Land Alteration</td>
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</table>

**FOOTNOTES:**

[1] THE SIDE YARD FOR SINGLE FAMILY ATTACHED MAY BE REDUCED TO 8 FEET WHEN GARAGE IS ATTACHED IN FRONT OF DWELLING
[2] THE MINIMUM SIDE YARD SHALL BE 8 FEET FOR STRUCTURES GREATER THAN 2 STORIES IN HEIGHT
[3] SIDEYARD REDUCTION AND CLUSTER DEVELOPMENT PROVISIONS MAY BE UTILIZED FOR SINGLE FAMILY DETACHED DWELLINGS AND DUPLEXES
[5] REFER TO SECTION 63.226 Subd. 4 FOR STANDARDS OF DEVELOPMENT SIGNS.
62.233 **R-2X LOW DENSITY RESIDENTIAL EXTRA DISTRICT**

This article lists the standards applicable to uses allowed in the R-2X, Low Density Residential Extra District.

62.234 **R-2X GENERAL ZONING DISTRICT STANDARDS**

The following table identifies the general zoning district standards applying to uses in the R-2X Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>PRIMARY REFERENCE</th>
<th>NOTES</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH 62.111</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.260</td>
<td>Primarily found in Par. 62.263</td>
<td>TYPE III DEVELOPMENT APPROVED THROUGH REG OF SECTION 62.600</td>
<td>For Permitted Uses</td>
<td>For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 60</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.140</td>
<td>Exceptions to Standard Par. 60.424</td>
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<tr>
<td>Single Family Attached</td>
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<td>3000(L)</td>
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<td>MINIMUM 1 PER DWELLING UNIT</td>
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<td>62.266(1)</td>
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<tr>
<td>Performance Residential</td>
<td>VAR</td>
<td>62.261</td>
<td>62.266(1)(3)</td>
<td>9:00 – 16:00 – 21:76(1)</td>
<td>6000(S)</td>
<td>36%</td>
<td>20%</td>
<td>35</td>
<td>MINIMUM 1 PER DWELLING UNIT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>I</td>
<td>62.263(5)</td>
<td>62.266(1)(3)</td>
<td>62.128</td>
<td>4500(L)</td>
<td>36%</td>
<td>45 (3)</td>
<td>MINIMUM 0.75 PER UNIT</td>
<td>MAXIMUM 1.0 PER DWELLING UNIT</td>
<td></td>
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<tr>
<td>Group Residential Care</td>
<td>VAR</td>
<td>62.263(2)</td>
<td>62.266(1)</td>
<td>SAME AS REGULATION FOR PERMITTED SINGLE FAMILY OR MULTI-FAMILY (WHICHEVER IS BASIS FOR APPROVAL OF USE)</td>
<td>1 SPACE PER EMPLOYEE ON LARGEST SHIFT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>III</td>
<td>62.262</td>
<td>62.266(1)</td>
<td>5500(L)</td>
<td>40%</td>
<td>62.262(3)(b) (15)(g)</td>
<td>35</td>
<td>MINIMUM 1 PER MANUFACTURED HOME</td>
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<td>Manufactured Home Lot</td>
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<td>62.263(9)</td>
<td>62.266(1)</td>
<td>4000(L)</td>
<td>40%</td>
<td>35</td>
<td>MINIMUM 0.75 PER UNIT</td>
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<td></td>
</tr>
<tr>
<td>Live/Work Dwelling</td>
<td>I</td>
<td>62.264(8)</td>
<td>5000(L)</td>
<td>40%</td>
<td>35 (1)</td>
<td>1 PER 400 SQ FT FLOOR AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>I</td>
<td>62.264(3)</td>
<td>24 (2)</td>
<td>40%</td>
<td>35</td>
<td>1 PER 400 SQ FT FLOOR AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>I</td>
<td>62.264(3)</td>
<td>24 (2)</td>
<td>40%</td>
<td>35</td>
<td>PER PERSON BASED ON MAXIMUM CAPACITY OF BLD</td>
<td></td>
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<td></td>
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<tr>
<td>Medical Facilities</td>
<td>II or III</td>
<td>62.263(3)</td>
<td>24 (2)</td>
<td>5 PER PRINCIPAL MEDICAL PROFESSIONAL</td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing and Personal Care</td>
<td>II or III</td>
<td>62.263(3)</td>
<td>24 (2)</td>
<td>40%</td>
<td>35</td>
<td>1 SPACE EM-LARGEST SHIFT PLUS ONE PER SIX BEDS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>II or III</td>
<td>62.263(3)</td>
<td>24 (2)</td>
<td>40%</td>
<td>35</td>
<td>1 PER EMPLOYEE ON LARGEST SHIFT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substantial Land Alteration</td>
<td>III, Phase II</td>
<td>62.263(3)</td>
<td>30</td>
<td>1 PER EMPLOYEE ON LARGEST SHIFT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand or Gravel Excavation</td>
<td>III, Phase II</td>
<td>62.263(3)</td>
<td>30</td>
<td>1 PER EMPLOYEE ON LARGEST SHIFT</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Operations</td>
<td>I</td>
<td>62.264(1)(c)</td>
<td>62.900</td>
<td>62.932</td>
<td>40%</td>
<td>35</td>
<td>SEE PARAGRAPH 62.935</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
### COMMENTARY:

The Row labeled **PRIMARY REFERENCE** at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.

The Row labeled **NOTES** identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS** in the table:

- % stands for "percentage"

**NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE**

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Area</th>
<th>Permitted Maximum Height (in feet)</th>
<th>Required Off-Street Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.260</td>
<td>Primarily found in Par. 62.263</td>
<td>TYPE III DEVELOPMENT APPROVED THROUGH REQ OF SECTION 62.600</td>
<td>For Permitted Uses</td>
<td>For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 62</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.145</td>
<td>Exceptions to Standard Par. 60.424</td>
<td>Regulations for Off-street parking in Section 63.400</td>
</tr>
</tbody>
</table>

### NOTES:
- **Memorial Transitional Housing - III/Phase I**
  - 62.141 (11)
  - 62.263 (6)
  - 62.266 (1)

### FOOTNOTES:

1. RETAIL TRADE MAY BE LOCATED ON THE GROUND FLOOR OF MULTI-FAMILY RESIDENTIAL UP TO 46 FT. IN HEIGHT.
2. OFFICE, PERSONAL SERVICES, MEDICAL FACILITY, OR FUNERAL HOME WITHIN 200 FT OF TOD DISTRICT: MAX HEIGHT = 35 FT
3. Buildings on a lot abutting R1, R1x, R2, and R2x zoning districts any portion of a building above 35 feet in height, up to a maximum of 46 feet in height, is required to be stepped back a minimum of 10 feet in all directions from the exterior walls of the building. Corner lots are exempt from the top floor setback on the sides of the building with street frontage.
## 62.235 R-2X SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the R-2X Zoning District.

### COMMENTARY:

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

### ABBREVIATIONS/SYMBOLS in the table:

Stnd is the abbreviation for “Standards”

### TABLE:

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>SETBACKS AND YARDS</th>
<th>APPEARANCE CONTROL STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum Width at Building Line</td>
<td>Hours of Operation</td>
</tr>
<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH 63.100(1)</td>
<td>PARAGRAPH 63.110(2)</td>
</tr>
</tbody>
</table>

### NOTES:

Description of each category found in Section 62.140

- **General Yard Requirements in 63.100**
- **How Yards can be used in 63.120**

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Front Yard</th>
<th>Minimum Sum of Side Yards</th>
<th>Minimum Rear Yard</th>
<th>Hours of Operation</th>
<th>Exterior Lighting</th>
<th>Sign Regulations</th>
<th>Landscape Material Point Base</th>
<th>Exterior Storage Regulations</th>
<th>Site Location Requirement</th>
<th>Buffer/yard Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Attached</td>
<td>20</td>
<td>10[1]</td>
<td>20</td>
<td>30</td>
<td>Corner lot: 35</td>
<td>NA</td>
<td>R</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>30</td>
<td>NA</td>
<td>R</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplex[2]</td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>40</td>
<td>NA</td>
<td>R</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottage Development</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>60</td>
<td>R</td>
<td>NA</td>
<td>R</td>
<td>Project Boundary III</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Performance Residential</td>
<td>SEE PARAGRAPHS 62.283–62.285 FOR SETBACK REQ</td>
<td>R</td>
<td>NA</td>
<td>R</td>
<td>II</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>50</td>
<td>R</td>
<td>NA</td>
<td>T,R</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>Group Residential Care</td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>A</td>
<td>R</td>
<td>NA</td>
<td>T,R</td>
<td>H</td>
<td>I</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>30</td>
<td>R</td>
<td>R</td>
<td>NA</td>
<td>R</td>
<td>Project Boundary III</td>
</tr>
<tr>
<td>Live/Work Dwelling</td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>20</td>
<td>30</td>
<td>R</td>
<td>R</td>
<td>NA</td>
<td>R</td>
<td>I</td>
</tr>
<tr>
<td>Retail Trade</td>
<td>20</td>
<td>8</td>
<td>15</td>
<td>15</td>
<td>6AM-9PM</td>
<td>A</td>
<td>A</td>
<td>T</td>
<td>IV</td>
<td></td>
</tr>
<tr>
<td>Offices</td>
<td>20</td>
<td>8</td>
<td>15</td>
<td>15</td>
<td>6AM-9PM</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T,A</td>
<td>A</td>
</tr>
<tr>
<td>Personal Service</td>
<td>20</td>
<td>8</td>
<td>15</td>
<td>15</td>
<td>6AM-9PM</td>
<td>A</td>
<td>A</td>
<td>T</td>
<td>A</td>
<td>TYPE I,V TYPE III:VI</td>
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<tr>
<td>Medical Facilities</td>
<td>20</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>R</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>D</td>
<td>III</td>
</tr>
<tr>
<td>Nursing &amp; Personal Care</td>
<td>20</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>R</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>D</td>
<td>III</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>20</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>7AM-11PM</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>C</td>
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<tr>
<td>Substantial Land Alteration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A,S</td>
<td>E,F</td>
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<tr>
<td>Sand or Gravel Excavation</td>
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<td>A,S</td>
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<td></td>
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<tr>
<td>Agricultural Operations</td>
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<td>R</td>
<td>NA</td>
<td>R</td>
<td></td>
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<tr>
<td>Area Accessory Development</td>
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<td>8</td>
<td>15</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>62.936</td>
<td>III</td>
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<td>Utility Stations: IV</td>
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</tbody>
</table>
COMMENTARY:
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

ABBREVIATIONS/SYMBOLS in the table:
Shd is the abbreviation for "Standards"

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Buffer Yard Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Required Front Yard</td>
<td>Side Yard Least Width</td>
<td>Minimum Sum of Side Yards</td>
<td>Minimum Rear Yard</td>
<td>Hours of Operation</td>
</tr>
<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH 62.111</td>
<td>PARAGRAPH 63.110(1)</td>
<td>PARAGRAPH 63.110(3)</td>
<td>PARAGRAPH 63.110(2)</td>
<td>PARAGRAPH 62.123</td>
<td>PARAGRAPH 62.131</td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each category found in Section 62.140</td>
<td>General Yard Requirements in 63.100</td>
<td>How Yards can be used in 63.120</td>
<td>Section 63.210</td>
<td>Section 63.220[5]</td>
<td>Section 63.230</td>
</tr>
</tbody>
</table>

FOOTNOTES:
[1] THE SIDE YARD FOR SINGLE FAMILY ATTACHED MAY BE REDUCED TO 6 FEET WHEN GARAGE IS ATTACHED IN FRONT OF DWELLING
[2] SIDEYARD REDUCTION MAY BE UTILIZED FOR SINGLE FAMILY ATTACHED DWELLINGS AND DUPLEXES
# R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

This article lists the standards applicable to uses allowed in the R-3, Medium Density Residential District.

# R-3 GENERAL ZONING DISTRICT STANDARDS

The following table identifies the general zoning district standards applying to uses in the R-3 Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Additional Regulations</th>
<th>Applicable Detailed Regulations</th>
<th>USE DESCRIPTION</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>MINIMUM LOT SIZE (L)</th>
<th>MINIMUM SITE AREA (S)</th>
<th>MINIMUM % OF LANDSCAPE AREA</th>
<th>MINIMUM % OF FLOOR AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH 62.111</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TYPE I</td>
<td>TYPE II</td>
<td>TYPE III</td>
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<td></td>
<td></td>
<td>DENSITIES</td>
<td></td>
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</tr>
<tr>
<td>NOTES</td>
<td>Description of each use category found in Section 62.140</td>
<td>PRIMARY found in Par. 62.260</td>
<td>TYPE III DEVELOPMENT APPROVED THROUGH REG. OF SECTION 62.800</td>
<td>For Permitted Uses</td>
<td>For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 60</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.140</td>
<td>Exceptions to Standard Par. 63.424</td>
<td>Regulations for Off-street parking in Section 63.460</td>
</tr>
<tr>
<td>Single-Family Attached Corner Lot</td>
<td>I</td>
<td>62.266(1)</td>
<td>3000(L)</td>
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<td>35</td>
<td>2 PER NEW DWELLING UNIT</td>
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<tr>
<td>Single-Family Detached</td>
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<td>2 PER NEW DWELLING UNIT</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>I</td>
<td>62.266(1)</td>
<td>6000(L)</td>
<td>40%</td>
<td>35</td>
<td>2 PER NEW DWELLING UNIT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential 3 &amp; 4 Plex</td>
<td>I</td>
<td>62.263(5)</td>
<td>62.266(1),(3)</td>
<td>62.126</td>
<td>62.264(1)(2)</td>
<td>8000(L)</td>
<td>42%</td>
<td>35</td>
<td>1 PER UNIT EFFICIENCIES &amp; ONE BEDROOM UNIT 1½ PER 2 BEDROOM UNIT 2 PER 3 BEDROOM UNIT 3 PER 4 BEDROOM UNIT</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>24.23</td>
<td>.6[1]</td>
<td>7200(S)</td>
<td>40%</td>
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<td>35</td>
<td>2 PER NEW DWELLING UNIT</td>
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<tr>
<td>III</td>
<td>32.67</td>
<td>.7[2]</td>
<td>2500(S)</td>
<td>30%</td>
<td>10%</td>
<td>35</td>
<td>2 PER NEW DWELLING UNIT</td>
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</tr>
<tr>
<td>Group Residential Care</td>
<td>VAR</td>
<td>62.263(2)</td>
<td>62.266(1)</td>
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<td></td>
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<td></td>
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<tr>
<td>Semi-Transit Accom.</td>
<td>VAR</td>
<td>62.263(3)</td>
<td>62.126</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>III</td>
<td>62.262</td>
<td>62.266(1)</td>
<td>7</td>
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<td>Congregate Housing</td>
<td>I</td>
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</tr>
<tr>
<td>Offices</td>
<td>VAR</td>
<td>62.264(3)</td>
<td></td>
<td>.125</td>
<td>.20</td>
<td>45%</td>
<td>24</td>
<td>1 PER 200 SQ FT FLOOR AREA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
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<td>1 PER 200 SQ FT FLOOR AREA</td>
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<td>III</td>
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<td>45%</td>
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<td>62.260(5)</td>
<td>62.266(1)</td>
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### 62.242 R-3 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the R-3 Zoning District.

**COMMENTARY:**
- The row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREViations/SYMBOLS in the table:*

- Stand is the abbreviation for "Standards"
- NOTES is the abbreviation for "Notes"

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
</tr>
</thead>
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<tr>
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<td>PARAGRAPH 62.111</td>
<td>PARAGRAPH 63.110(1)</td>
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<td>PARAGRAPH 62.123</td>
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<td>NOTES</td>
<td>Description of each category found in Section 62.140</td>
<td>General Yard Requirements in Sections 63.110 to 63.120</td>
<td>How Yards can be used in 63.120</td>
<td>Section 63.210</td>
<td>Section 63.220(4)</td>
<td>Section 63.230</td>
</tr>
</tbody>
</table>

#### FOOTNOTES:

1. The side yard for single family attached may be reduced to 8 feet when garage is attached in front of dwelling.
2. Cluster development and zero lot line provisions may be utilized for duplexes.
3. Sideyard reduction and cluster development provisions may be utilized for single family detached dwellings and duplexes.
4. Refer to Section 63.226 Subd. 4 for standards of development signs.
### R-4 HIGH DENSITY RESIDENTIAL DISTRICT

This article lists the standards applicable to uses allowed in the R-4, High Density Residential District.

### R-4 GENERAL ZONING DISTRICT STANDARDS

The following table identifies the general zoning district standards applying to uses in the R-4 Zoning District.

| CATEGORY OF STANDARDS | List of Permitted Uses | Use Type | Applicable Regulations | Description of Use Category found in Section 62.140 | Regulations found in Par. 62.260 | Type II Development Approved Through RZQ of Section 62.600 | Type I Development Approved Through RZQ of Section 62.600 | For Permitted Uses | For Incentive Development | Definition of Lot & Site in Chapter 60 | General Regulations Sec. 63.130 | General Regulations Sec. 63.149 | Exceptions to Standard Par. 60.404 | Regulations for Off-street parking in Section 63.400 | REQUIRED OFF-STREET PARKING | NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE |
|----------------------|------------------------|----------|------------------------|------------------------------------------------|-------------------------------|-------------------------------------------------|------------------------------------------------|-----------------------------|----------------------------------|--------------------------------|--------------------------------|-------------------------------|-----------------------------|--------------------------------|--------------------------------|-----------------------------|--------------------------------|
| PRIMARY REFERENCE    | Paragraph 62.111       | Paragraph 62.113 | Minimum Lot Size (L) | Minimum % of Landscape Area | Minimum % of Recreation Space | Maximum Height (in feet) |
| NOTES                | Description of each Use category found in Section 62.140 | Regulations found in Sec. 62.260 | Type II DEVELOPMENT APPROVED THROUGH RZQ OF SECTION 62.600 | For Permitted Uses | For Incentive Development | Definition of Lot & Site in Chapter 60 | General Regulations Sec. 63.130 | General Regulations Sec. 63.149 | Exceptions to Standard Par. 60.404 | Regulations for Off-street parking in Section 63.400 | REQUIRED OFF-STREET PARKING | NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE |
| Single Family Detached | I                      | 62.266(4) | 62.266(4) | 550(L) | 45% | 35 | 2 PER NEW DWELLING UNIT |
| Multi-Family Residential | I                      | 62.266(5) | 62.266(1),(2) | 62.126 | 24.23(L) | 40% | 12% | 1 PER UNIT/EFFICIENCIES & ONE BEDROOM UNITS |
| 2 Residential Floors | I                      | 62.266(13) | 62.266(13) | 6000(S) | 38% | 10% | 2 PER 2 BEDROOM UNIT |
| 3 Residential Floors | I                      | 62.266(13) | 62.266(13) | 6000(S) | 38% | 10% | 2 PER 3 BEDROOM UNIT |
| 4-6 Res Floors       | I                      | 62.266(13) | 62.266(13) | 6000(S) | 38% | 10% | 2 PER 4 BEDROOM UNIT |
| 7-9 Res Floors       | I                      | 62.266(13) | 62.266(13) | 6000(S) | 38% | 10% | 2 PER 5 BEDROOM UNIT |
| 10-12 Res Floors     | I                      | 62.266(13) | 62.266(13) | 6000(S) | 38% | 10% | 2 PER 6 BEDROOM UNIT |
| 13+ Res Floors       | I                      | 62.266(13) | 62.266(13) | 6000(S) | 38% | 10% | 2 PER 7 BEDROOM UNIT |
| Duplex               | I                      | 62.266(1) | 62.266(1) | NO MAX | 2.42 | NO MIN | 5% | 2 PER NEW DWELLING UNIT |
| Manufactured Home Park | III                    | 62.262 | 62.262(1) | 7 | 62.262(3) | 50% | 62.262(3)(b)(15)(g) | 35 | 2 PER MANUFACTURED HOME |
| Group Residential Care | VAR                    | 62.263(2) | 62.268(1) | 1 SPACE EMP. LARGEST SHIFT | 1 PER SLEEPING UNIT |
| Semi-Transient Accom. | I                      | 62.263(4) | 62.268(1) | SEE REQUIREMENT FOR PERMITTED MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN R-4 DISTRICT | 1 PER UNIT |
| Congregate Housing   | I                      | 62.264(3) | .25 | .25 | 26% | 30 | 1 PER 200 SQ FT FLOOR AREA |
| Offices              | I or II                | 62.264(3) | .25 | .25 | 26% | 30 | 1 PER 200 SQ FT FLOOR AREA |
| Personal Service     | I or II                | 62.264(3) | .25 | .25 | 26% | 30 | 1 PER 200 SQ FT FLOOR AREA |
| Medical Facilities   | I or II                | 62.263(3) | .25 | .25 | 26% | 30 | 1 PER 200 SQ FT FLOOR AREA |
| Nursing and Personal Care | II or II            | 62.263(3) | .25 | .25 | 26% | 30 | 1 PER 200 SQ FT FLOOR AREA |
| Fast Food Restaurant | III                    | 62.266(4) | .25 | .25 | 26% | 30 | 1 PER 3 SEATS PLUS 1 PER 2 EMPLOYEES ON LARGEST SHIFT |
| Standard Restaurant  | III                    | 62.266(4) | .25 | .25 | 26% | 30 | 1 PER 3 SEATS PLUS 1 PER 2 EMPLOYEES ON LARGEST SHIFT |
| Convenience Retail   | III                    | 62.266(4) | .25 | .25 | 26% | 30 | 1 PER 4 PERSONS, BASED ON MAXIMUM CAPACITY OF BUILDING |
| Indoor Recreation Facility | III                | .25 | .25 | 26% | 30 | 1 PER 300 SQ FT FLOOR AREA |
| Substantial Land Alteration | III, Phase II         | .40 | .40 | 62.932 | 35% | 50 | SEE PARAGRAPH 63.935 |
| Sand or Gravel Excavation | III, Phase II          | .40 | .40 | 62.932 | 35% | 50 | SEE PARAGRAPH 63.935 |
| Area Accessory Development | I or II              | 62.930 | .40 | .40 | 62.932 | 30% | 50 | 1 PER EMPLOYEE ON LARGEST SHIFT |
| Offender Transitional Housing | III, Phase I          | 62.930 | .40 | .40 | 62.932 | 30% | 50 | 1 PER EMPLOYEE ON LARGEST SHIFT |
| Medical Sky Dwelling Unit | I                    | 62.141(11) | 62.262(6) | 62.266(1) | 1 PER 150 SQ FT FLOOR AREA | 1 PER 150 SQ FT FLOOR AREA |

FOOTNOTES: [1] WHERE BOTH DENSITY FACTOR AND FLOOR AREA RATIO ARE FOUND IN THE SAME ROW ON THE TABLE, THE DEVELOPMENT MUST MEET BOTH STANDARDS

UPDATE: June 2019

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### 62.252 R-4 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the R-4 Zoning District.

**COMMENTARY:**

- The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.
- **ABBREVIATIONS/SYMBOLS in the table:** Standards is the abbreviation for "Standards".

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
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<td>Side Yard</td>
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<td>Exterior Lighting</td>
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<td>Minimum</td>
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<td>How Yards can be used in 63.120</td>
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<td>Area Accessory Dwelling</td>
<td>MINIMUM SETBACK FROM PROPERTY LINES: 30 FEET</td>
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<td>A</td>
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</table>

**FOOTNOTES:**

1. Cluster development and zero lot line provisions may be utilized for duplexes.
2. Sideyard reduction and cluster development provisions may be utilized for single family detached dwellings and duplexes.
3. Refer to Section 63.228 Rule 4 for standards of development signs.
62.260 DETAILED USE REGULATIONS; RESIDENTIAL DISTRICTS:

The following paragraphs identify specific requirements applicable to certain types of permitted uses identified in the Zoning District Tables contained in this Article.

62.261 PERFORMANCE RESIDENTIAL DEVELOPMENT: Subdivision 1. Performance Residential Developments (PRD), also known as “townhouses” in the CN-NR district, are approved either as zoning certificates through the Type I process or are required to go through Type II Conditional Use or Type III Incentive Development approval prior to issuance of a zoning certificate. The criteria for this determination are contained within the requirements of this section. All PRD is subject to the requirements of subdivision 1.

Subd. 2. Standards Applicable to all Performance Residential Development:

A. Submission Criteria: The information to be submitted with an application for approval shall be that required for Conditional Use permits, as outlined in Appendix B, along with two copies of the legal instruments providing for care and maintenance of common areas and shared facilities (such as documents establishing a homeowners association). In addition, plans for sewer, water and roadway facilities shall be submitted where buildings are not serviced solely by service connections to existing public facilities.

B. Review Process: The following requirements will guide the process utilized to review a PRD:

1. A determination shall be made by the zoning administrator on whether platting of the site is necessary. Where it is found that an existing plat or registered land survey already exists to support the final planned lot configuration, no replatting shall be required as long as adequate access is assured and the access is adequate to meet the requirements for emergency vehicles specified in section 63.500. Where it is determined that platting is required, the process for approval of a Land Subdivision Permit and Final Plat, as outlined in Chapter 61, shall be followed. The zoning administrator may allow as-built platting as a condition of site plan approval if a bond or other sufficient surety is provided at the time of zoning certificate approval to cover the cost of platting.

2. Submittal of building/structure and site improvement plans for any Type I or II development may be done in one of two ways. A master plan for the entire development may be submitted, containing the information necessary to establish conformance with the basic ordinance requirements for density/floor area, recreation space, landscape area, bufferyards, communal parking and standards for private or public utilities, roadways, and runoff/erosion control improvements. In such cases, zoning certificate approval for individual buildings or building groups will be done at a reduced fee. Evidence of conformance with the remainder of the ordinance requirements must be submitted at the time of zoning certificate approval. A master plan shall be required for phased developments where the applicant wishes to exceed the density limits for the district in one phase but retain an overall site density within ordinance standards.
3. An applicant may also choose to submit complete plans for the entire development or only a portion of the site planned for eventual development initially.

4. A Type III application shall follow the procedure for Incentive Developments outlined in Article 62.600 of this Code, subject to the additional submittal requirements under subdivisions 2(A) and 2(B),(2) above.

5. Minor changes to any approved PRD may be approved by the zoning administrator under section 61.148.

6. Major changes to an approved PRD shall be processed as a new application.

7. Where the site of a completed or partially completed PRD is proposed for resubdivision, the existing development will be reviewed for continued conformance with all ordinance requirements under the proposed lot arrangement.

C. **Project Criteria**: Basic criteria applicable to all PRD include:

1. Each unit shall have approved access to a public or private street by means of frontage, easement agreement, or by way of common area agreements established as part of a homeowner's association or condominium arrangement.

2. A staging plan for development of common improvements such as recreational areas shall accompany all applications proposed for phased development. A sufficient portion of such elements shall be developed with each phase so that the completed portion of the development could meet ordinance requirements should further phases not be developed.

3. The minimum distance between walls shall be equal to the sum of the performance yards required for each wall. In the CN-NR District the distance between walls separating buildings shall be the sum of the required interior sideyards in the district.

4. Yards for dwellings which front on common parking areas may be reduced by 20 percent, while yards abutting parkways, walkways or other public open space may be reduced by 30 percent.

5. Where off-street parking is not provided on a communal basis, the plan shall indicate a garage site for all units whether or not garages are intended to be part of the initial development.

6. The maximum number of buildings which may be attached in an R-1x or R-2 District is five, and nine in any other district with the exception of (i) the CN-NR District, where the limit to the number of attached dwellings is three and cannot be increased as other districts can according to the remainder of this section, and (ii) the R-2x District,
where the number of units is limited by a maximum building length of 100 feet, rather than by a fixed number of units. Increases to this are permitted subject to the following rules:

(a) The number of units attached may be increased from five to eight in Low Density Residential Districts and from nine to 14 in all other districts when the units are clustered in a configuration in which the axes of the buildings intersect with an interior angle greater than 60 degrees and less than one hundred and 135 degrees, or, when arranged in an arc, form an angle of arc exceeding 80 degrees and not exceeding 200 degrees. (See the following illustration).

(b) The number of attached units may be increased from five to ten in Low Density Residential Districts and from nine to 18 in all other districts when the dwelling units are clustered into a configuration such that the axes of the buildings form at least two angles in excess of 220 degrees each or when arranged in an arc form an angle exceeding 200 degrees. (See the following illustration).

(c) The number of attached units may be increased from five to 13 in Low Density Residential Districts and from nine to 22 in all other districts when the units are arranged such that the interior angles formed by the intersection of the axes of the buildings is greater than 110 degrees and less than 150 degrees or where the units are arranged along two or more arcs each of which has an angle exceeding 100 degrees, and which results in at least one reverse curve. (See the following illustration).
The number of units attached may be increased from five to 15 in Low Density Residential Districts and from nine to 27 in all other districts when the units are arranged to enclose a central park or green space which, (1) if rectilinear, shall have a minimum dimension of 40 feet and, (b) if circular, shall have a minimum radius of 40 feet and, (c) if elliptical, shall have a minimum dimension of 50 feet. (See the following illustration.)

7. Attached Dwellings in the R2x zone must have vehicular access to either an alley or private street.

Subd. 3. Standards Applicable to Type I or II Developments.

A. Site Planning Criteria: The Zoning Administrator shall have the authority to schedule a Type I or II application for a Type II hearing before the Planning Commission prior to referral of the application to the Commission where he finds the following site design limitations exist:

1) The development exhibits a monotonous repetition in building placement which is not mitigated by aesthetic building design, placement of landscape materials, open space placement, grade differences or curvilinear street layout so as to create a livable residential environment. Limitations created by the existing site characteristics (small site area, existing streets, irregular shape) shall be taken into consideration.
2) The development plan indicates major grading or alteration of the natural terrain which does not take advantage of the natural features of the site.

3) The proposed development contains more than 30 dwelling units served by only one access off of a limited local or local residential street.

B. **Determination of Density Levels**: The Zoning District Tables identify a maximum level of density that may be permitted under the Type I, II and III processes. The procedure to determine final density for Type I and II applications is as follows:

1. The Type I density is granted as of right and may be approved through the zoning certificate process.

2. Increases above Type I density up to the maximum Type II density are achieved by inclusion of certain design features in the development plan which, by so doing, qualify the applicant to increase the density. The zoning administrator shall make a finding during the review process that the design features justifying the proposed density have been provided in the development plan. The applicable features are:

   a) Provision of a storm shelter meeting state guidelines shall justify an increase of one dwelling unit per net buildable acre.

   b) If the amount of Usable Recreation Space in the project exceeds the minimum amount required by the ordinance, a density increase calculated by multiplying the base density by the percentage by which the actual recreation space exceeds the minimum required recreation space is permitted.

   c) If the amount of Landscape Area in the project exceeds the minimum amount required by the ordinance, a density increase calculated by multiplying the base density by 1/2 of the percentage by which the actual landscape area exceeds the minimum required landscape area over the base density is permitted.

   d) A density increase of eight percent over the base density is permitted for every five acres included in the project.

   e) Density increases are permitted for the preservation of certain natural features according to the regulations of section 61.533.

   f) Where an applicant proposes payment in lieu of land dedication to meet the City of Rochester Park Dedication requirement, the base density may be increased by four percent for every $100.00 per dwelling unit above the base dedication fee invested in the parkland dedication fund.

62.262 **Manufactured Housing**: The placement of homes shall be regulated by the standards contained in the zoning district tables and the further regulations of this paragraph. The intent and purpose of these regulations is to assure quality development equal to that found in other residential areas throughout the municipality. Excellence of design, development,
and maintenance of manufactured homes and the developments in which they are placed is the desired objective of regulations.

1) **Manufactured Home Park:**

   a) **Approval Procedures:** A new manufactured home park must gain approval of the project as a general development plan, under the provisions of this ordinance applicable to general development plans, prior to approval of any other required permits for the use. All lands used for a manufactured home park shall be platted, or as appropriate, replatted prior to the installation of any manufactured home(s) in the park. The use type indicated in the zoning district tables identifies the procedure required for zoning approval of a site for use as a manufactured home park as defined in this ordinance. Type III uses in the table are conditional uses reviewed under the Type III procedure with a Phase I hearing process. The Planning Commission is the designated hearing body. Individual placement of manufactured homes within a development is subject to zoning certificate approval. Licensing requirements for manufactured home parks under Minnesota Statutes 327.15, and specifically Chapter 4630 of the Rules of the Department of Health (state) must be complied with independently by the owner/applicant.

   b) **Site Development Standards:** The following improvements shall be required in a manufactured home park:

   1) A manufactured home park shall contain area sufficient to accommodate and contain at least 30 manufactured home lots meeting all other standards and design requirements of the zoning ordinance applicable to manufactured home parks.

   2) A manufactured home park shall have grading, drainage, erosion control and stormwater management plans designed conforming to the requirements of the ordinance and any other applicable local, state or federal regulations. Site development shall conform to the approved plans.

   3) A perimeter bufferyard along the exterior property lines or along any adjacent public street(s) to a manufactured home park shall be provided. The perimeter bufferyard shall at a minimum be equal in design to a Bufferyard Class “D” as regulated in 63.265 (Table Definitions of Bufferyard Options). In Low Density Residential Districts the required Bufferyard “D” must be at least 15 feet wide and the option to substitute a structure for plantings may not be utilized. Along any exterior property line of a manufactured home park lying immediately adjacent to or across a right of way from an area planned for “Low Density Residential Use” on the Rochester Urban Service Area Land Use Plan, the required perimeter bufferyard shall be increased to a Bufferyard Class “E” with a minimum dimension of 25 feet wide and with no option to substitute a structure for any required plantings. The perimeter bufferyard shall not be part of any manufactured home lot but shall be part of the common area of the manufactured home park. The area in the perimeter bufferyard shall not be included for consideration as part of the minimum required recreation space.

   4) Each manufactured home lot in a manufactured home park shall abut on a private roadway and take access therefrom to the manufactured home. The overall layout of the private roadway system and lot pattern in a manufactured
home park should be designed to minimize, if not eliminate, the number of lots fronting on the major through streets in the development. The design should be structured to create enclaves, clusters and sub-neighborhoods within the manufactured home community. The plan for placement of homes on the lots within the park shall require that on lots abutting any major through street in the development that physically connects two or more roadways in the public street system or provides for the future continuation of the street system in the development to other properties outside the boundary of the manufactured home park, the homes on the lots with frontage on the described through street must be sited with the longest façade and main entry of the home facing the major through street. Any manufactured home that is sited on a lot in a manufactured home park that lies wholly or in part within 100 feet of the perimeter boundary of the park, and where the park perimeter boundary lies adjacent to or across a right of way from an area planned for “Low Density Residential Use” on the Rochester Urban Service Area Land Use Plan, is required to have an exterior wall dimension of at least 20 feet over 50% of the first floor area of the home.

5) All roadways within a manufactured home park shall be private roadways with the possible exception of a roadway within the boundaries of the park development that has the potential to connect two existing or potential public streets. The need for any such public roadway shall be determined during the adoption of the general development plan for the project. Unless specifically approved by the City Public Works Department, manufactured home lots shall avoid having direct access to a public road.

6) Private roadways in a manufactured home park shall be designed to adequately serve the anticipated traffic and provide for the safe operation of all types of licensed vehicles, including but not limited to the standards of 63.530 “Access for Emergency Vehicles”.

7) Private roadways shall be paved with a concrete or bituminous material complying with the paving specifications for the construction of a “local residential” public street. Two-way private roadways without on-street parking or one-way private roadways with on-street parking limited to only one side shall be paved to minimum of 20 feet. Two-way private roadways with on-street parking limited to one side shall be paved to a minimum width of 26 feet. Two-way private roadways with on-street parking allowed on both sides shall have a paved surface of at least 32 feet wide.

8) All parts of the roadway system shall be adequately lighted during hours of darkness to assure safe and efficient vehicular and pedestrian movement. All private roadways shall be signed with the state, or if adopted, local vehicle speed limit as found in Minnesota Statutes 327.27, Subdivision 2 or 2a.

9) All plans for a manufactured home park must include a pedestrian circulation design element that addresses how and where safe, on-street and off-street access for pedestrians of the park will be provided. The required pedestrian circulation system must connect all home sites in the park to all other home sites in the park, to all community facilities and open spaces, and to the public road entrances to the park. Common walkways or paths provided to satisfy the pedestrian circulation plan must be at least three (3) feet in width and have an
all-weather surface. Private street surfaces in a manufactured home park may be considered as part of the pedestrian circulation element if the street provides access to no more than 30 home sites and pedestrian safety can be maintained with clear sight distance on the roadway. In manufactured home parks on real property located in a “Low Density Residential District”, the pedestrian circulation element and actual development must include and provide four foot wide concrete sidewalks lying parallel to both sides of all roadways, either public or private, in the park. The required parallel sidewalk to a private street must be set back from the edge of the curb of the adjacent roadway one foot for every five feet of total street width. The back edge of the sidewalk on a private street toward the manufactured home shall be considered the front lot line for the purposes of measuring required setbacks.

10) All private roadways in a manufactured home park shall be named for way finding and addressing purposes acceptable to the Public Works Department and applicable ordinances. Such private roadways shall be marked with street signs of a design, appearance and placement acceptable to the Public Works Department.

11) All manufactured home lots shall be provided with and all manufactured homes shall be connected to the municipal sewer and water system. Each manufactured home lot shall be provided with a separate water, sewer, telephone and electrical connection. If the manufactured home park is to be provided with natural gas, LP gas or fuel oil, it shall be from an underground central fuel supply system with no private fuel containers allowed.

12) Each manufactured home in a manufactured home park must be located within 400 feet of a fire hydrant. The Public Works Department and the Fire Chief shall approve the design and location of the fire protection system.

13) Each manufactured home lot shall have a stand with a surface graded for positive drainage away from the stand. The stand shall be either a paved slab, or compacted gravel or crushed stone with a total depth of at least four (4) inches. The stand should conform in size to the perimeter dimensions of the walls of the manufactured home and be used as the area for the properly engineered support system for the manufactured home on the site. A permanent foundation can supplant the required stand. The remainder of the manufactured home lot shall be graded for drainage. All graded areas shall be planted with grass to prevent erosion.

14) Manufactured home parks located in the Floodway, Flood-fringe or Flood-prone districts shall in addition to all other applicable regulations be subject to the provisions of 62.800 through but not including 62.900.

15) Community Facilities: The following types of community facilities shall be provided in a manufactured home park:

a) A manufactured home park shall have an office for the use of the operator or manager of the park. This office shall be clearly identified and distinctly marked with a sign that is illuminated during hours of darkness. A map of the manufactured home park identifying all lot locations and unit addresses
shall be displayed at the park office and also be illuminated during hours of darkness.

b) A storm shelter facility for the residents of the park meeting the requirements of Chapter 1370 of the Minnesota Building Code shall be provided in a manufactured home park. The storm shelter(s) shall be of a size to accommodate the following number of people:

\[
\text{0.75 times the number of manufactured homes the shelter is to serve times 2.5 persons per home}
\]

Storm shelters shall be reasonably located within a manufactured home park to minimize the travel distance to the shelter for the maximum number of residents.

c) An area shall be set aside for the dead storage of items of the residents such as boats, boat or hauling trailers, motorcycles, snowmobiles or other equipment not normally stored in a home or in a utility building on a manufactured home lot. The storage area can be fenced for security but shall be screened with a solid fence, or an earth berm with trees and shrubs.

d) There shall be a centralized mailbox location that does not disrupt or interfere with vehicular traffic flow on the roadways in the manufactured home park or with traffic on any public street.

e) Within a manufactured home park, an area for spillover parking, as regulated in 63.426, shall be provided. In “Low Density Districts” spillover parking shall be provided at the rate required for Attached Dwellings and in all other districts at the rate for Multi-Family dwellings of 0-10 units.

f) A plan for the proposed method of garbage collection and disposal and recycling must be provided. Community waste collection and recycling areas must be shown on the plans for the manufactured home park and conform to Exterior Storage Standard “T” in 63.240(5).

g) Recreation areas for the private use of the residents of the manufactured home park shall be provided. The requirements of 63.140 “Useable Recreation Areas” through 63.147 are applicable except where superseded by the requirements of this paragraph. All recreation equipment installed shall be maintained in good repair and safe condition by the management of the park. Any required perimeter bufferyard area shall not be counted toward meeting the minimum required recreation space. The following recreation area(s) shall be provided in a manufactured home park:

<table>
<thead>
<tr>
<th>Recreation Area</th>
<th>Per 100 Manufactured Homes</th>
<th>Minimum Size of Single Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Play Lots</td>
<td>1,200 sq. ft.</td>
<td>400 sq. ft.</td>
</tr>
<tr>
<td>Recreational Facilities</td>
<td>40,000 sq. ft.</td>
<td>10,000 sq. ft.</td>
</tr>
</tbody>
</table>
h) Except in manufactured home parks in “Low Density Residential” districts, a commercial or service establishment intended solely for the residents of the park may be provided if no such facilities exist within one-quarter mile and the park contains at least 100 manufactured homes. Such facility shall occupy no more than 5% of the area of the park and a bufferyard equal to Standard “E” described in 63.265 shall be provided around the site.

i) No public address or loudspeaker system shall be employed in a manufactured home park, but this shall not exclude the use of an emergency warning system publicly or privately operated.

16) **Signs:** A manufactured home park shall be permitted a development sign (63.226 (C)) at each entrance to the park, and each community facility within a park may be permitted one sign conforming to Sign Standard “R”, as defined in 63.225.

17) **Miscellaneous Provisions:** In all manufactured home parks:

a) The physical limits on the ground for each lot space or leased area to be used as the site of a manufactured home shall be clearly identified with permanent ground-flush stakes, markers or other suitable means.

b) Each manufactured home sited on a lot in a manufactured home park shall conform to all Minnesota Statutes including, but not limited to, Chapter 327 and shall bear an installation seal as defined in MN Statutes 327.31, Subdivision 12. In addition, manufactured homes sited on lots in manufactured home parks located on real property in “Low Density Residential Districts” shall conform to all the standards required of a “dwelling, one-family detached” as defined in this ordinance.

c) Construction of additions to provide extra floor area for a manufactured home is prohibited in a manufactured home park, unless the addition is provided by a manufacturer and specifically designed for use or attachment to a manufactured home. Additions are subject to all other applicable provisions of this ordinance and all other applicable laws with respect to setbacks and similar matters.

d) Skirting and/or permanent foundation screening shall be installed on all sides of a sited manufactured home between the ground and the underside of the manufactured home to visually screen the area, protect utility connections and control the harboring of pests and vermin below the lowest floor of the manufactured home and the manufactured home stand. The skirting must be made of a rigid weather-proof material installed and affixed to provide a solid visual barrier to the underside of the home, its stand and foundation or anchoring system. Rigid skirting must be of the same color and reflective finish as the exterior siding of the manufactured home. A solid skirting system of all-weather material may be used instead of rigid skirting siding material. Such a solid skirting system may be comprised of masonry block, stone or concrete retaining wall construction, exterior grade simulated brick, stone, stucco or permanent siding if of the same style and color of the exterior siding of the manufactured home. Such skirting must be so constructed that the
underside and utility connections of the manufactured home can be reasonably subject to inspection, repair and maintenance.

e) All manufactured homes sited for residency on a lot shall have an anchoring system for the purpose of securing the manufactured home to a foundation system or the ground. This anchoring or tie-down system shall be approved or accepted by the Commissioner of Administration (Building Code Division).

f) No manufactured home shall remain in a manufactured home park for a period of time exceeding 15 days without connection to the permanent sanitary sewer system.

g) No recreational vehicle shall occupy any lot in a manufactured home park as the principal use of the lot or as a residence.

h) Towing hitches shall be removed from the outside of the manufactured home upon installation on the lot.

i) The operation of motor vehicles on private roadways within a manufactured home park shall be subject to the provisions of Minnesota Statutes, Chapter 169, notwithstanding therein the exclusion of operation on private roads.

j) All lots in a manufactured home park, when used as the site of a manufactured home for a residence, must have a building accessory structure for the storage of garden/landscaping utensils and recreational items. An automobile garage that is large enough to accommodate 64 square feet of storage in addition to space for the auto satisfies this requirement. If the lot has no accommodating garage, a freestanding garden/storage shed of at least 64 square feet in area must be provided. The exterior siding color of garages or garden/storage sheds must match the exterior color of the manufactured home on the same lot or be of a consistent exterior design and exterior appearance throughout the manufactured home park as established at the time of issuance of the conditional use permit. The required accessory structure storage building must be in place within three months following occupation of the manufactured home on the lot as a residence.

18) Park Management:

a) The owner, manager or assigns thereof of a manufactured home park shall operate the manufactured home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition. The owner, manager or assigns shall be responsible to insure that the owners and/or tenants maintain the manufactured homes on lots in the park in good repair and in a safe and substantial manner.

b) A responsible adult caretaker or attendant manager must be present and readily available at all times in a manufactured home park.

c) The owner, manager or assigns of the manufactured home park shall be responsible to notify the park residents of all applicable provisions of this
ordinance and inform them of their duties and responsibilities under this ordinance.

d) A registry shall be maintained by the management in the office of the manufactured home park indicating the name and location of residence of each current, permanent resident of the manufactured home park and the date of beginning residence in the park. Each manufactured home lot shall be identified in the records by a unique number, letter or street address.

e) The owner of the manufactured home park shall grant an open space easement to the City of Rochester and permit the City to have an easement to enter upon, as grantee of any open space, street or recreational areas provided within said manufactured home park, for the purpose of permitting the City to service structures, make repairs or maintain as is necessary and appropriate said areas in the event that the owner of said property, successors or assigns, fail to comply with the standards and requirements set forth in this ordinance.

f) In the event that the owner or any successor owner shall at any time fail to maintain any of the recreational areas, roadways or any of the common space areas within the manufactured home park in reasonable order or condition, the City of Rochester may enter upon said areas pursuant to the previously referenced easement agreement to provide the necessary maintenance to establish said manufactured home park in an attractive, well-kept condition. Before the City shall make any repairs upon such areas, the City shall give written notice to the record owner shown upon the records of the County Auditor/Treasurer for Olmsted County, making demand that the specific repairs or maintenance shall be made by the owner immediately or, in alternative, that the City shall make such repairs and thereafter assess the costs to the owner thereof. If the owner fails to fully comply within 30 days of said notice, the City may perform said repairs and maintenance shall and bill the associated costs to the owner of the manufactured home park and/or the recorded property owner. Payment shall be made to the City by said owner or owners to reimburse the City immediately thereafter. In the event the owner of the manufactured home park fails to make payment to the City upon the City having so demanded payment for repairs and maintenance as set forth aforesaid, the City shall have the right without further notice to assess said costs, including administrative costs of the City, and certify said assessments to the County Auditor/Treasurer as an assessment levied to be paid with the taxes on the property on which the manufactured home park is located.

g) Municipal and County employees, including particularly police, building and zoning inspectors, health inspectors, and the like, shall be permitted in the manufactured home park at all reasonable times for the purposes of making any inspections under this ordinance or other applicable ordinances or state laws.

h) All applications for a required zoning certificate to install a manufactured home on a lot; make additions to a manufactured home; or erect accessory structures on a manufactured home lot in a manufactured home park shall contain a scaled site drawing showing the boundaries and dimensions of the
lot and the location of all existing or planned structures on the lot seeking zoning certificate approval. In addition, the site plan shall indicate the location of the nearest structures on the adjacent lots within the park. Said site plan, upon submittal to the Zoning Administrator for approval, must be accompanied by the signature and title of the owner or authorized manager of the park indicating that the proposed action in the application has been approved by the park management.

c) **Lot Development Standards:** The following standards shall apply to the development of individual lots within a manufactured home park. Unless otherwise specified or superseded by more restrictive specific standards of this section, the lot development standards for manufactured homes on a manufactured home lot in a manufactured home park permitted in “Low Density Residential Districts” shall conform to the conventional standards applicable to detached single family homes and accessory structures on a lot in the applicable zoning district:

1) **Space Coverage:** Total coverage of a manufactured home lot or space by all structures shall not exceed 50% of the total lot area.

2) **Lot Area:** In zoning districts where no minimum lot size is specified in the applicable zoning district table for a manufactured home lot, the minimum lot area for a manufactured home lot must meet or exceed the lot area requirements of Minnesota Statutes or any other licensing rules of the state.

3) **Setbacks:** The shortest side of a manufactured home fronting on a roadway and any accessory structures shall be set back at least 15 feet. The setback shall be increased to 20 feet when the longest side of the manufactured home fronts on the roadway. Front setbacks, and any other separations from private roadways shall be measured from an imaginary line parallel to the edge of the private roadway at a distance from the edge of the roadway equal to one foot for every five feet of roadway surface total width. In “Low Density Residential Districts”, the imaginary manufactured home lot line adjacent to a roadway from which setbacks or separations are measured shall be established as the inside edge of the required parallel sidewalk. All manufactured homes shall be set back at least 15 feet from all exterior property lines of a manufactured home park and in no case shall a manufactured home or any part thereof intrude upon the perimeter buffer.

4) **Manufactured Home Separation:** In zoning districts where specific setbacks from manufactured home park lot lines are not prescribed in the applicable zoning district table, no manufactured home shall be located closer than 20 feet to another manufactured home in the manufactured home park or in the case of a corner lot, seven and a half (7.5) feet to a roadway in the park that is not a front setback. Unless this ordinance provides otherwise, porches, balconies, canopies, stairways, steps and necessary landings, carports and decks which are open except for reasonable supports, covered patios, enclosed courts, eaves, awnings, bay windows, fire escapes, chimneys, and steps may extend into or over no more than 33% of the depth of the required minimum front setback or separation. Open terraces or patios, uncovered porches, and other uncovered paved areas such as stoops may extend into any minimum setback or separation but not closer than ten (10) feet to any front lot line, but if they are three and one-half (3.5) feet or more above the surrounding grade level, they
shall not extend into more than 20% of the depth or width of any required minimum setback or separation.

5) **Off-Street Parking:** Off-street parking spaces must be paved (concrete, bituminous asphalt or brick pavers) and each parking space shall have minimum dimensions of 8’4” x 17’. Parking spaces in a building (garage) qualify as off-street parking spaces. Required off-street parking spaces may be provided on the individual manufactured home lot(s) or, unless otherwise restricted by this paragraph, in parking lots or bays meeting the design standards of 63.450 – 63.454 and located within 150 feet of the manufactured home lots they are intended to serve. Any motor vehicle parked on a manufactured home lot outside a building must be at least ten (10) feet from the nearest adjacent manufactured home position not on the same lot. Off-street parking spaces shall not obstruct any vehicular roadway or pedestrian way. In addition to the requirement that any vehicle parked on a manufactured home lot must be 10 feet from the nearest adjacent manufactured home, off-street parking spaces on manufactured home lots in “Low Density Residential” districts must conform to the requirements of Section 63.430 and specifically the parking setbacks found in 63.455 for residential districts.

6) **Garages:** When it is the intent of the management of the manufactured home park not to prohibit the erection of carports or garages on lots within a manufactured home park, the master plan for the development shall indicate those lots on which garages will be permitted and the general relationship to be observed in locating a garage or carport and the situation of the manufactured home on the lot. Garages and carports shall be situated outside of the front setback and at least six (6) feet from another manufactured home or garage/carport. A detached garage shall also be located at least six (6) feet from the manufactured home on the lot. The wall of the garage containing the doors for vehicular entry shall be setback from a roadway at least 20 feet and no part of a garage shall be closer than seven and-a-half (7.5) feet to a roadway. These setbacks shall be measured as described in 62.262 (c)(3) for setbacks.

7) **Exterior Storage:** Storage or tool sheds shall not exceed a total of 150 square feet in area on any manufactured home lot. All such structures shall be of a design specifically approved by the management of the manufactured home park. Storage or tool sheds shall not be located in the front setback or closer than seven and-a-half (7.5) feet to any roadway as measured according to the provisions in 62.262 c)(3). All materials, machinery and equipment on a lot in a manufactured home park shall be stored within a building or be fully screened so as not to be visible from adjoining lots or properties, except for the following items when kept in good order: laundry drying and minor recreational equipment, construction and landscaping materials and equipment currently being used on the premises, off-street parking of licensed passenger and pickup trucks and the storage of firewood for use on the premises.

8) **Accessory Building Requirements (All types):** The limitations on the use of any accessory structure, such as but not limited to a garage or shed, are the same as found for such structures in a residential district in 62.273. Accessory structures are limited to a maximum height of 15 feet. As an exception to typical requirements, accessory structures may be placed on a manufactured home lot prior to the establishment of the manufactured home as the principal use when
such structures are erected and provided by the management of the park as part of the lot lease arrangement.

d) **Existing Manufactured Home Parks:** Plans for manufactured home parks on the effective date of this ordinance shall remain in effect. Any amendments to an approved plan shall be processed as a Type III Conditional Use with a Phase I hearing process and the Planning Commission as the designated hearing body. The standards for a manufactured home park shall be used as a guide in reviewing amendments to an approved park plan or changes to a park for which no plan currently exists.

e) **Attached Types of Manufactured Housing:** Any development utilizing attached or semi-detached style of manufactured housing shall be reviewed as a Performance Residential Development if allowed by the zoning district where the property is located.

**62.263 Other Residential Uses:** Subdivision 1. This section describes other residential uses.

Subd. 2. **Group Residential Care:** Uses shall be licensed under the State of Minnesota Public Welfare Licensing Act and proof of such licensing shall be required prior to zoning certificate approval.

A. In all districts, a day care facility serving 14 or fewer dependents or a residential facility serving six or fewer dependents is a permitted Type I use subject to meeting the requirements for single family detached dwellings. Where single family dwellings are not permitted, the applicable requirements shall be those of the R-2 District.

B. A day care facility serving between 14 and 20 or a residential facility serving between seven and 16 dependents is a permitted Type I multifamily use in the R-3 and R-4 Districts, subject to the same requirements as multifamily residential dwellings. In the R-1,CN-NR, R-1X, R-2, and R-2x Districts, such development shall be a Type II conditional use.

C. Day care facilities serving more than 20 and residential facilities serving more than 16 dependents are a Type III use in residential districts subject to the General Zoning District Regulations and to the Setback regulations applicable to Area Accessory Developments in the same zoning district.

Subd. 3. **Nursing and Personal Care Facilities and Medical Facilities:** Uses in residential districts are subject to the same General Zoning District regulations and setback regulations which apply to Area Accessory Developments in the same zoning district. The Zoning Administrator may authorize additions or expansions to existing developments consistent with the standards of section 61.148 as a Type I development.

Subd. 4. **Semi-Transient Accommodations:** Developments shall meet the standards applicable to permitted multifamily residential development, based on the computation that three rooming or sleeping units equal one dwelling unit. A semi-transient accommodation in the MRD1 District located more than 1000 feet from a residential zoning district is a permitted Type I use.
Subd. 5. Multi-Family Residential Development:
   A. Multifamily residential uses exceeding permitted density or floor area standards but meeting all other standards shall be considered a Type II use; developments which exceed these standards as well as other standards shall be considered a Type III use.
   B. In the R-2x district, the maximum length of a multi-family building façade facing any public street shall be limited to 100 feet.
   C. In the R-2x district, each façade facing any public street that is longer than 50 feet in length shall be divided into modules through:
      1. The use of vertical projections extending outward from the façade of the building, or insets into the building façade, that divide the façade into horizontal segments no greater than 50 feet in length, and each required projection or inset shall have a minimum depth of at least 1 foot and a minimum width of at least 1 foot; or
      2. The inclusion of a multiple pedestrian entrances to the building that are separated from the next nearest pedestrian entrance by a distance no greater than 50 feet.
      3. Where the side or rear of any primary building faces a residentially zoned property, the primary materials used on the sides and the rear of the building shall be similar in durability and appearance, and the levels of articulation on the sides and rear of the building shall be similar in appearance, to those used on the street-facing façades of the building.

Subd. 6. Medical Stay Dwelling Unit: In all districts where residential uses are allowed, a Medical Stay Dwelling Unit is a Type I use. Appearance Standards and Site Appearance Standards shall match the number of dwelling units allowed in the building.

Subd. 7 Attached Dwelling: The following regulations apply to attached dwelling:
   1. Unless developed under the performance residential standards of Section 62.261, Subd. 2.C.6, attached dwellings in the R2x zone:
      a. Must have vehicular access to either an alley or private street; and
      b. The maximum length of the building containing the attached dwellings is 100 feet.

Subd. 8 Cottage Development: The following regulations apply to cottage development:
   1. The maximum project size for a cottage development is one acre.
   2. Cottage development projects must be organized as condominium developments meeting all requirements of State law, and individual lots or portions of the project may not be subdivided for sale.
   3. Cottages shall have no more than 1,000 square feet of gross floor area.
   4. Project density shall not exceed 1 dwelling unit per 1,500 square feet of lot area.
   5. A shared landscaped area containing a minimum of 10 percent of the project area shall be provided.
   6. Each dwelling structure shall be separated from other dwelling units by a minimum of 6 feet.
7. Zoning district lot and setback requirements shall apply to the project site as a whole, but not to individual dwellings.

8. If the zoning district allows duplexes, attached dwellings, or single-family attached dwellings, a cottage development may include those dwelling types.

9. Access drives within a cottage development shall be constructed to city standards.

10. The applicant shall submit a site plan identifying individual cottage development sites, streets, parking areas, stormwater facilities, common areas, and any other features required to be identified by this LDM or state condominium law.

Subd. 9 Live/Work Dwelling: The following regulations apply to live/work dwellings:

1. The building may be used for both residences and for a business being conducted by a resident of the building and that does not qualify as a home occupation.

2. Portions of the structure used for residential and nonresidential uses shall have a connection between them located inside the building.

3. A wall sign no more than 2 square feet in size and located no higher than the first floor of the building is permitted.

4. No more than two non-resident employees are permitted in addition to the residents of the dwelling.

5. Nonresidential uses are limited to those that are (a) conducted indoors, and (b) engaged in producing a good or product that is sold from the premises, and (c) do not involve the sale of alcoholic beverages, firearms, tobacco, or related goods. Sales of goods is limited to (a) goods produced on the premises, and (b) incidental resale of goods purchased elsewhere that are related to or used in conjunction with goods and services produced on the premises, provided that the area use for such resales does not exceed 5 percent of the gross floor area of the nonresidential portion of the structure.

62.264 Nonresidential Uses:

1) Agricultural Operations: All agricultural operations in existence upon the effective date of this ordinance shall be considered a permitted use and allowed to continue in operation. This includes the raising of poultry and livestock and also existing animal feedlots, provided that the feedlot is otherwise in compliance with any Minnesota Pollution Control Agency requirements. It does not, however, include a new animal feedlot. In addition, the animal density shall not be greater than one (1) animal unit per one (1) acre of pasture; and any structure used for the housing of livestock or poultry shall be located a minimum of fifty (50) feet from any property line. Changes to the operation which have the effect of expanding or intensifying the operation shall be considered a Type III (Phase I only) use if, in the opinion of the Zoning Administrator,

a) the farm is within 400 feet of any residential use and the changes are detrimental to living conditions by reason of creating safety hazards or the emittance of noise, odor, or other nuisance;

b) the operations constitute an industrial type use involving the compounding, processing and packaging of products for wholesale or retail use involving more than five outside employees.
2) **Farm Drainage Systems:** A farm drainage system, flood control or watershed structure or erosion control device, which meets all applicable county, state, and soil conservation district requirements.

3) **Office and Personal Services:**

   1) **R-2x District**
   The maximum floor area for all Office and Personal Service development in the R-2x District shall be 5,000 square feet.

   2) **All Other Districts**
   Office and Personal Service developments may be considered a Type II use if they meet all standards except those for floor area and landscape area and are located on a lot at least 8,000 square feet in size with a floor area not exceeding 5,000 square feet.

4) **Convenience Retail:** A Convenience Retail development may be considered as a Type II use if it meets all standards except those for floor area and landscape area and is located on a lot at least 8,000 square feet in size, with a floor area of not more than 4,000 square feet and not more than eight employees on the largest shift.

   In addition, all new convenience retail developments shall be located at least 1/4 mile from any existing convenience retail use and 1/2 mile from any existing neighborhood shopping center. Where the applicant wishes to request a variance from this requirement, the application shall be accompanied by a market study showing that an adequate market exists within 1/2 mile of the proposed site to support such use. The information to be contained in the market study shall include:

   a) Identification of trade area;

   b) Determination of number of potential customers in the trade area;

   c) Determine a profile of the income levels of potential customers;

   d) Estimate consumer expenditures for products offered and the total retail demand for products in the trade area;

   e) Estimate Capture Ratio/Market Penetration; evaluate the competition; estimate market share using accepted methodology such as: fixed share method, unsatisfied demand, proportional method, total apportioning method;

   f) Apply Capture Ratio to Total Retail Demand to determine volume of business expected;

   g) Prepare a cash flow forecast to evaluate feasibility of the project.

5) **Self-Service Storage Facilities:** In a SSSF no storage space shall be used for any commercial activity (including for-hire transfer and storage operations), repair and maintenance activity, or any industrial operations, and the lease contract shall include language prohibiting the storage of flammable liquids, combustible or explosive material, and hazardous materials. Exterior areas for the storage of recreational vehicles are permitted. In approving an application for a SSSF, the Commission and Council shall find that the location is suitable for such use due to:
a) the existence of natural buffers separating the site from surrounding residential uses which will be retained as part of the site development, or

b) the property abuts an existing nonresidential district, and natural features of the site, such as shallow bedrock or poor subsoil conditions, make the development of residential uses on the site economically unfeasible.

6) **Retail Trade**: The following standards apply in the R-2x district:

   a. The gross floor area of a retail trade use shall be limited to 5,000 square feet;

      A retail trade use shall only be located on a corner lot, on the ground floor of a mixed-use building, or within a building originally designed for or physically converted to accommodate a non-residential use prior to the effective date of this section

62.265 **Parking Facilities**: Non-accessory community parking lots may be developed in residential districts according to the regulations contained within this paragraph and the zoning district tables. To be considered as a Type I use, the site shall have landscaped area ratio equal to 1/2 the amount of landscape area required for nonresidential uses in the applicable zoning district. All other developments are considered a Type III use.

62.266 **Other Requirements**: The following requirements apply to residential uses in the various residential districts:

1) **Inadequate Dwelling Facilities**: No garage, tent, trailer, recreational vehicle, accessory building, basement or cellar shall at any time be used as a dwelling, except as provided for within the ordinance under the accessory use provisions of this ordinance.

2) **Lot Area in the R-Sa District**: New lots for single family detached dwellings in the R-Sa District shall have a minimum lot size determined by using the procedure identified in 60.424 Subd. 5 (A)(1).

3) **Storm Shelter Facilities**: Any multifamily residential development which has a density of 16 units/acre or greater shall be required to provide storm shelter facilities meeting the following requirements:

   a) The storm shelter facility must meet the minimum design standards set forth in Chapter 1370 of the 1990 State Building Code.

   b) The shelter must be constructed to accommodate the following number of people:

   c) The shelter space (no. of people) = 0.75 x no. of dwelling units x 2.5 people per dwelling unit.

4) **Detached Single Family Uses**: In the R-3 and R-4 Districts, detached single family uses are permitted only on lots under 12,000 square feet platted prior to 1992.

5) **Duplex Uses**: In the R-4 District, duplex uses are permitted only on lots under 12,000 square feet platted prior to 1992.
62.270 ACCESSORY USE - RESIDENTIAL DISTRICTS:

No accessory use or structure shall be established or constructed unless a zoning certificate evidencing the compliance of such use or structure with the provisions of this section and other applicable provisions of this ordinance has been issued.

62.271 Limitation on Establishment: No accessory structure shall be constructed or established on any lot prior to the time of the substantial completion of construction of the principal structure to which it is accessory.

62.272 Limitation On Use – Non-residential and Accessory Uses: Subdivision 1. Accessory Uses in residential districts shall not include (A) the conduct of any business, trade or industry, except as provided for in this section; (B) any private way or walk giving access to such activity; or (C) the boarding of animals or the keeping of fowl or farm animals except as otherwise provided by any provision of the Rochester Code of Ordinances.

Subd. 2. Accessory uses or structures to a residential principal use may include (A) garages, carports, other parking spaces, swimming pools and tool sheds for the exclusive use of residents on the premises and their guests; (B) summer houses or servant quarters of persons employed on the premises without kitchen facilities and not rented or otherwise used as a separate dwelling; (C) gardening and the keeping of a limited number of household pets exclusively for the personal enjoyment of residents of the premises; (D) solar collection systems that are used for servicing the principal residence on the lot; (E) private greenhouses for the use by residents of the premises, or (F) Small non-utility WECS and WECS Meteorological Tower, freestanding or attached to a building, for servicing the principal use and accessory uses on the lot (refer to section 62.930 for standards).

62.2722 Limitation On Use – Storage Containers: Subdivision 1. Storage containers are permitted in any zoning district, but only on public parkland or school sites for a period not to exceed six months per year. The location of the storage container shall be no closer than 50 feet to a property line adjacent to a residential zoning lot. A storage container shall be no closer than 25 feet to a public street. The storage container must be located a minimum of 50 feet from the property/right-of-way line when residential dwellings are located across the street from residential dwelling units.

Subd. 2. The storage container must be an earth tone color and may have an identification sign with no more than two square feet of sign area. The storage container must be maintained as required by Section 62.396(G).

62.2723 Limitations on Use – Garage Sales: Garage sales are limited to no more than three (3) sales per calendar year at any one property. Such sale cannot exceed three (3) consecutive calendar days.

62.273 Accessory Building in Residential Districts-General: Subdivision 1. The following general regulations apply to garages, accessory buildings, and structures in residential districts, provided that, if these standards conflict with the provisions of Section 62.278 applicable to accessory dwelling units in detached structures in residential districts, the standards in Section 62.278 shall apply:

Subd. 1. Location: Detached garages and accessory buildings accessory to a residential use may be located:
A. In a buildable lot area;

B. In the required rear yard to within 18 inches, or five feet when in the R-Sa District, of any lot line of adjoining lots, or to within five (5) feet of any lot line separating the lot from an alley, except in the case where the wall of the accessory building facing an alley contains doors which will permit the parking of vehicles or recreational vehicles within the accessory building, in which case the setback shall be 18 feet notwithstanding, in the CN-NR district even if it is the case that the doors of the accessory building face an alley only the five foot setback from the lot line separating the lot from the alley must be maintained by the accessory building (garage);

C. In a side yard to within 18 inches, or five feet when in the R-Sa District, of the lot line where the adjacent lot is developed with a principal building and the front wall of the accessory building is located at a greater depth from the front lot line then the rear wall of the principal building on the adjacent lot, or where the side yard abuts the rear yard of an adjacent corner lot;

D. In a side yard at a setback equal to one-half of the required side yard setback (for new garages) or 18 inches for additions or garages existing on the effective date of the ordinance, where the distance from the front wall of the accessory building to the front lot line is greater than 50 percent of the lot depth;

E. In the CN-NR district on a lot with access to an alley, a new detached garage must be provided with vehicular access from the alley; or

F. In the CN-NR district if a new detached garage is located closer than six feet to a side lot line in the buildable area of the lot or as otherwise permitted to be located in the required rear or side yards, any at-grade off-street parking areas accessory to the garage that are closer than six feet to the side lot line must be screened from view from the adjacent property with a solid fence at least four feet but no more than six feet in height.

Subd. 2. Lot Development Standards for Accessory Buildings and Structures:

A. **Coverage:** When located in the rear yard, accessory structures shall occupy no more than 35 percent of the rear yard. In the CN-NR District, accessory structures shall not occupy more than 75% of the rear yard.

B. **Floor Area:** The sum of the individual gross floor area of each principal and accessory building on a lot should not exceed the maximum floor area ratio, if any, for the applicable zoning district. In any residential district, detached garages for residential uses shall be excluded from the floor area ratio. Detached garages for residential uses shall be included in the calculations to determine lot coverage by buildings, structures, and paved surfaces. The development must comply with the minimum percent of landscape area specified in the standards for uses in the residential zoning districts.
C. Setbacks shall be measured from the wall of an accessory structure. A roof may not extend beyond the wall more than six inches where located within 18 inches of a side or rear lot line.

D. Separation of accessory structures from principal structures shall be as required by the Building Code.

E. No detached accessory building or structure shall exceed the following heights:

1. In low density residential districts (except the CN-NR district) – 15 feet. Furthermore, no accessory building or structure may exceed a height of 18 feet measured as the vertical distance above grade along any side or rear wall measured to the highest point of the coping of a flat roof, or to the average height between the eave and ridge of a gable, hip or gambrel roof.

2. In medium and high density residential districts – 25 feet. Detached garages located in medium and high density residential districts shall not exceed 15 feet.

3. Accessory buildings located in the CN-NR District:

   (a) The maximum height, as described in the definition section of the Zoning Ordinance and LDM, of an accessory building may not exceed the height of the existing principal building (dwelling) on the lot. If the principal building (dwelling) on the lot is more than two residential stories in height, the height of an accessory building cannot equal the height of the principal building (dwelling) but is limited to a maximum height of two residential stories in height. Accessory buildings more than one residential story in height must be built to match the primary exterior materials and color of the primary exterior materials of the principal building, the roof pitch of the primary roof pitch of the principal structure and the width of the roof overhang(s) on the principal building.

   (b) An accessory building that meets the height requirements of section 62.463 may be developed as multi-story building. The upper floor is limited to no more than 785 square feet of floor area. The upper floor space is limited to an accessory use for the occupants of the principal use on the lot; as an office use developed as a home occupation (section 62.278), or as an accessory dwelling unit.

F. No part of an accessory building may be located on or extend into a utility or drainage easement, including any eaves.

G. The sum of the individual gross floor area (including interior parking areas) of each accessory building on a lot containing a single family dwelling, duplex or single family attached dwelling may not exceed 15 percent of the lot size or 1,500 square feet, whichever is less. On lots in the CN-NR zoning district, regardless of their lot area, the maximum ground floor footprint or
any floor level above the ground floor of a single detached accessory building or the combined ground floor footprints of all accessory buildings shall be no more than 785 square feet. In the CN-NR district the allowed gross accessory building square footage is a factor of the permitted height of the building. In the CN-NR district, the maximum number of detached accessory buildings on a lot shall be limited to two.

Subd. 3. Unless otherwise permitted, garages or accessory structures that are attached to and an integral part of the principal structure or building shall be located in the buildable area. However, such structures may encroach 20 percent into the minimum rear yard.

Subd. 4. **Accessory Buildings and Structures:** Accessory buildings and structures associated with a non-residential use shall meet all setback requirements for the principal building on the lot and shall not interfere with providing the total landscape area requirements on the lot.

### 62.274 Location of Accessory Buildings on Corner Lots:

Accessory buildings or structures on a corner lot are subject to the regulations of Section 62.273 with the following modifications:

A. The minimum setback for an accessory building in a rear yard abutting the interior side yard of an adjacent lot shall be six feet from the interior lot line.

B. Garages with doors providing access for vehicles or recreational vehicles on a wall facing a street shall be setback a minimum of 20 feet from the lot line separating the lot from the street right-of-way.

C. On a corner lot the buildable area of a side street side yard or the usable portion of a rear yard adjacent to a side street side yard on the same lot within 25 feet of a lot line which is the interior side yard line of an adjacent lot is described by a diagonal line which at six feet from the common lot line is 20 feet back from the side street lot line, and which at 25 feet from the common lot line is setback from the side street lot line a distance equal to the minimum side street side yard setback. (Refer also to Section 63.112(2).)

### 62.275 Garages, carports, recreational vehicle shelters or storage facilities for adjacent lots may be located so as to attach across lot lines, provided they do not constitute undesirable impediments to view (including visibility at intersections of streets or the intersections of driveways with streets) or increase fire hazards; and further provided that the applicants record covenants and deed restrictions on all properties which will abut the common lot line (zero lot line). Said covenants and deed restrictions 1) shall provide access to the abutting property for the adjacent property owner and/or his representative for the purpose of construction, reconstruction, repair and maintenance of either side of the total property; 2) shall provide for necessary encroachments for footings and eaves for said building; 3) shall provide for restrictions to limit changes of color, material and design of the accessory building as to be compatible with the attached building.

### 62.276 Front Yard Garage:

Subdivision 1. Garages attached to and an integral part of any dwelling unit may encroach into the front yard as provided in this section. Such garages shall maintain the required minimum side yard setback and a minimum front yard setback of 20' for all single family detached dwellings, or 30 feet if located in the R-Sa District. For
other dwelling types, the front yard setback shall be 20 feet if the doors providing vehicle access face the street; and 12 feet for other walls of the garage.

Subd. 2. Detached front yard garages may be permitted at the same setbacks where the natural grade of a lot within the required front yard has an average slope, to the front lot line at every point along said line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of twelve percent or less to a private garage conforming to the requirement of the zoning ordinance.

62.277 Regulations for Solar Collection System: Subdivision 1. Ground mounted and freestanding solar collectors are permitted as accessory structures in all residential zoning districts subject to the following requirements:

A. Be located in a side or rear yard only;

B. Be setback at least six feet from the side and rear property line but no case shall it be located within an easement;

C. Be located so as to minimize glare directed toward an adjoining property;

D. Not exceed 15 feet in height with panels oriented in a vertical position;

E. The total surface area of all ground-mounted and freestanding solar collectors on the lot shall not exceed 15 percent of the lot size or 1,000 square feet, whichever is less;

F. All exterior electrical lines must be buried below the surface of the ground;

G. Shall be considered in determining the maximum coverage of structures on the lot;

H. Shall comply with all city and state building and electrical codes;

I. The property owner shall notify the electrical utility where the solar system is connected to the electrical utility system; and

J. If the solar collector system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities by no later than 90 days after the end of the 12-month period.

Subd. 2. Rooftop and wall-mounted solar collectors are permitted in all residential zoning districts subject to the following requirements:

A. Shall not project beyond the peak of the roof such that the solar collector is located above both the supporting roof and the roof opposite the surrounding roof;

B. Shall not be more than five feet above the roof to which it is attached. If the roof is a flat roof, the unit shall be no more than nine feet above the roof;

C. Shall be mounted so that the edge of the device is at least one foot in from the edge of the roof to which it is attached if mounted to the roof on the front of the building;
D. If mounted to the wall of a building may extend into or over no more than 33% of
the depth of a minimum yard or setback which is required along a side lot line
and in no case closer than four feet to a side lot line;

E. Shall not exceed the maximum height permitted in the zoning district in which it
is located;

F. Shall comply with all city and state building and electrical codes;

G. The property owner shall notify the electrical utility where the solar collection
system is connected to the electrical utility system; and

H. If the solar collector system ceases to perform its originally intended function for
more than 12 consecutive months, the property owner shall remove the
collector, mount and associated equipment and facilities by no later than 90
days after the end of the 12-month period.

62.278 **Detailed Accessory Use Regulations**: Subdivision 1. This section provides
additional requirements on specific types of accessory uses or structures due to their
unique nature or their potential for having possible adverse effects on surrounding
properties. These specific accessory uses or structures are not allowed except under
the particular requirements contained herein. [Any person who makes, or allows to
be made, one of the specific accessory uses identified herein, without meeting all of
the specific requirements therefore, is guilty of a misdemeanor. Additionally, any
person who constructs an accessory structure identified herein without meeting all
requirements identified for that type of structure is guilty of a misdemeanor.]

Subd. 2. **Home Occupations**: Any home occupation meeting the
following conditions shall be considered a permitted use for which the zoning
administrator may issue a zoning certificate under the Type I process:

A. The home occupation shall not occupy more than 25% of the livable
area of the dwelling unit or 500 square feet, whichever is less, and it
shall not involve internal or external alterations or construction features
not normally found in dwellings.

B. No person, other than a member of the family residing in the dwelling
unit, shall be engaged in the home occupation.

C. No mechanical equipment or process is used which creates noise,
vibration, glare, fumes, odors, or electrical interference detectable off
the premises, including that which creates visual or audible
interference on any radio or television receiver located off the
premises.

D. No exterior storage of equipment or materials in connection with the
home occupation and no display of products, goods or services which
is visible from outside the dwelling unit are permitted.

E. The entrance to the space devoted to such use shall be from inside the
dwelling.

F. Only articles made or originating on the premises shall be sold, unless
such articles are incidental to a permitted commercial service.

G. The traffic that may be generated by such use shall not be of such magnitude as to have a significant detrimental effect on the capacity of streets in the area, and any need for parking generated by the conduct of the home occupation shall be met off the street and not in a required yard adjacent to a street.

H. Only one vehicle used in connection with the home occupation shall be stored or stopped on the premises, and such vehicle shall not be a truck, such as a dump truck, wrecker, or fuel oil delivery truck. No advertising shall be displayed on the vehicle in any manner, but it may identify the home occupation.

I. Only the following uses, as each are described in the following sections of article 62.140, may be considered under the Type I process:

62.142 Offices
62.143(B) Personal Services

J. No permit approving a home occupation is transferable to another person. In addition, any permit approving a home occupation is deemed to be valid for only the person, the business and the location where approved.

K. In the R-Sa, R-1, CN-NR, R-1x, and R-2 districts, one small, unlighted professional sign, not exceeding two square feet of display area stating merely the name and profession or occupation of the occupant is permitted. Such signs shall be attached to the front of the dwelling. In the R-3 and R-4 districts, one sign not exceeding four square feet shall be permitted, except on a lot that has public road frontage along a collector or higher level street or on a lot which directly abuts a nonresidential zoning district. In those instances one sign not exceeding 12 square feet is permitted.

1. Each individual home occupation sign within a multi-family residential dwelling shall be no greater than two square feet in size, and there shall be no more than a cumulative total of 12 square feet of signage permitted for the multi-family dwelling.

L. All other home occupations not meeting the above criteria shall be processed as Type II Conditional Use Permits. Any other home occupation shall meet the conditions in clauses A, C, D, F, and K listed above.

M. No home occupation may be approved as a Type I if it involves the use of an accessory building or structure on the lot, except for uses utilizing recreational facilities such as swimming pools or tennis courts. No home occupation may use an accessory building or structure except for minor storage if approved under a Type II procedure. Notwithstanding the previous sentences, in any of the Core Neighborhood Zoning Districts, home occupations, as a Type I use, may occupy the second floor area, up to a maximum of 785 square feet, of a detached garage accessory building.
Subd. 3. **Accessory Dwelling Unit, Attached or Detached:** An accessory dwelling unit, subject to the following standards:

1. There shall be no more than one accessory dwelling unit on a lot.

2. If the accessory dwelling unit is located in a district that only allows a single principal dwelling unit on the lot, either the principal dwelling unit or the accessory dwelling unit must be the primary permanent residence of the owner of the lot.

3. An accessory dwelling unit must:
   a. Not contain more than 600 square feet of gross floor area.
   b. Not have more than two bedrooms.

4. An attached dwelling unit created after the effective date of this amendment shall maintain the architectural design, style, appearance, and character of the principal dwelling by incorporating design elements of the principal residence such as similar façade materials, façade colors, window style/treatment, and roof design and pitch, and shall not have a primary entrance to the accessory dwelling unit located on the front façade of the primary structure.

5. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.

6. No portion of a lot on which an accessory dwelling unit is located may be subdivided from or legally described differently than, the lot containing the primary residential unit, and no portion of a structure containing an accessory dwelling unit may have ownership different from the ownership of the primary dwelling unit.

Subd. 4. **Core Neighborhood-Neighborhood Residential CN-NR District Detached Accessory Apartment Standards:** This subdivision is intended to regulate the creation of an accessory apartment developed as part of a detached garage by the resident owner of a principal single family detached dwelling on a lot in the CN-NR zoning district.

A. Only one of either a detached accessory apartment (as regulated under this subdivision) or a rear dwelling (as regulated by subdivision 6), may be permitted on a residential lot in addition to the principal single family detached dwelling on the lot.

B. For a lot to be the site of a detached accessory apartment unit, together with a single family detached dwelling, it must have a minimum lot area of 5,000 square feet.

C. A detached accessory dwelling unit shall be constructed as part of and in combination with a detached garage that contains at least one automobile parking space. The detached garage/accessory dwelling unit building must be located on the lot to the rear of the principal single family detached dwelling on the lot.

D. The combination garage/accessory dwelling unit building must conform to all applicable standards and setbacks for a garage/
accessory building with the exception that the wall of any part of the building used for the accessory dwelling unit must be a minimum distance of six feet from the nearest wall of the principal single family detached dwelling on the lot and the wall of the accessory dwelling unit may not be located in the required side yard.

E. The total floor area of the accessory dwelling portion of the building shall not exceed 900 square feet. The floor area of any portion of an accessory dwelling unit situated on the second floor of a detached garage shall not exceed 785 square feet in area.

F. An accessory dwelling unit shall meet municipal housing code standards for rental housing unit; display the dwelling address number at a location and size that is visible from the street that provides access to the dwelling unit and also from the alley if the garage is accessed from an alley; and have a paved pedestrian access to the door of the accessory dwelling unit from the street and also the alley if the detached garage has access to an alley.

G. One off-street parking space shall be provided on the lot for an accessory dwelling unit in addition to the off-street parking space(s) required for the principal dwelling on the lot.

H. At any given time either the accessory dwelling unit or the principal single family detached dwelling unit may be rented if it complies with the Rochester Housing Code and receives approval to do so. At any time that both dwelling units on the lot are occupied, one of the residential units on the property shall be owner occupied.

I. An accessory dwelling unit shall be constructed so as to be compatible in appearance with the existing principal dwelling on the lot as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping.

Subd. 5. Boarders: In the R-3 and R-4 Districts a dwelling designed as a one family dwelling and utilized as a rental unit may be used to house the number of individuals approved by the housing official, with the stipulation that one additional off-street parking space is provided for each sleeping unit beyond the fourth.

Subd. 6. Rear Dwellings: In the R-1, CN-NR, R-1x, and R-2 district, a building to the rear of an existing principal building may be used for residential purposes only if it conforms to all the lot area, yard, landscaping area and off-street parking requirements of the zoning ordinance. For the purpose of determining the front yard in such case, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling an unoccupied and unobstructed accessway to a public street of no less than 18 feet in width.

Subd. 7. Private Swimming Pools and Tennis Courts: No swimming pool or tennis court shall be allowed in any residential district unless it complies with the following requirements:

A. The pool or court is not operated as a business or private club, except when
allowed as a permitted home.

B. It shall not be located in any required front or required side yard and shall not be closer than ten feet to any property line of the property on which it is located. Pump and filter installations for pools shall not be closer than 20 feet to any property line.

1. For an in-ground or surface swimming pool, the pool or the property upon which said pool is located shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area. The fence must be at least five feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening. For an in-ground pool, a mechanically controlled cover can be used in lieu of fencing requirements.

2. Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.

3. For an above ground swimming pool, the pool shall be equipped with an automatically retractable type ladder, a retractable ladder, a removable ladder or shall be fenced in accordance with paragraph 1 of this clause. The ladder must be removed or retracted when the pool is not being attended.

4. If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in accordance with paragraph 1 of this clause.

5. It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition.

6. Failure to maintain pool covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall constitute a violation of this ordinance and is subject to the penalties provided therefore.

C. Enclosed pools and courts shall be considered as structures for purposes of regulations limiting lot coverage.

Subd. 8. **Fuel Tanks:** An accessory fuel tank may be permitted in any zoning district for the purpose of heating on-site structures. Such fuel tanks shall be located in the buildable area of the lot or the required rear yard, subject also to the fire protection regulations, and shall be screened from adjacent properties with low hedges, evergreens or other plant materials in association with a fence.

Subd. 9. **Recreational Vehicle Parking:** The parking and storage of recreational vehicle and recreational equipment on a lot is permitted subject to the following restrictions:
A. Parking and storage is permitted at all times within an enclosed building or within the rear yard.

B. Recreational vehicles under 18 feet in length and seven feet in height, or recreational equipment under 18 feet in length, may be parked on an established driveway in a required front or side yard meeting the provisions of section 63.455.

C. Recreational vehicles and equipment over 18 feet in length, or seven feet in height may be parked on an established driveway, provided they are set back a minimum of twenty feet from the back of the curb (where present) or the paved area of the street.

D. Recreational vehicles or equipment which requires licensing must have a valid current license in order to be stored outside upon a property within a residential zoning district.

E. Any person that parks or stores a recreational vehicle in a manner not specifically permitted under this section is guilty of a misdemeanor.

F. Recreational vehicles may not be used as permanent accessory structures within any residential zoning district.

Subd. 10. **Related Service Facilities:** "Related service facilities" are accessory uses which include: snack bars, restaurants, cafeterias, and other eating establishments; barbershops, beauty shops, gift shops, newsstands, office supply sales, duplicating services, and similar retail stores and services; swimming pools, tennis courts, playgrounds, playfields, meeting rooms, exercise rooms, saunas, gymnasiums, and similar recreational facilities; dispensaries and similar health care facilities; and self-service laundry and dry cleaning drop-off facilities. It does not include adult entertainment or uses which are allowed as a general use in the district. No permit shall be issued for a related service facility unless:

A. The facility is accessory to a principal use which provides living facilities, employment, or overnight accommodations for a significant number of persons, such as a multifamily dwelling, office or institutional building, manufacturing plant or research facility, or hotel.

B. The gross floor area of all retail and service facilities within a multifamily dwelling shall not be greater than 25% of the gross floor area of all the dwelling units therein or 4,000 square feet, whichever is the lesser. All facilities located within a dwelling in the R-4 District or Central Development Core are exempt from this requirement.

C. The facility shall be operated only for the residents, employees, or guests of the principal use and their guests. When provided in the R-4 District or Central Development Core, such facilities are exempted from this requirement and may be open to the public on a fee or other basis.

D. In the R-1, CN-NR, R-1x, R-2 and R-3 Districts, the facility shall not
have direct outside access through a wall by way of a door. No storage, or display shall be visible from outside the building. When provided under the density bonus provisions of the high density residential districts, retail sales and service uses, indoor recreational facilities, restaurants, theaters, nightclubs, and similar entertainment uses, and health care facilities are exempted from this requirement.

E. Permitted signage shall not exceed Standard R in the R-1, CN-NR, R-1x, or R-2 Districts, or Standard A in the R-3 or R-4 Districts, as defined in section 63.220.

Subd. 11. **Management and Sales Office:** In any Performance Residential, Multi-Family Residential, or Manufactured Housing development one dwelling unit may be devoted to use as an office for management of the development or as a headquarters for sales of other dwelling units in the development. One freestanding sign not to exceed six square feet in size shall be permitted for identification purposes. Off-street parking equal to that required for office uses shall be provided.

Subd. 12. **Bed & Breakfasts:** In the CN-NR, R-2, R-3 and R-4 zoning districts, a bed and breakfast may be established as a Type III Conditional Use subject to the following criteria:

A. The proprietor of a bed and breakfast must also be the owner and occupant of the property.

B. In the CN-NR and R-2 zoning districts, bed and breakfast facilities will be limited to a maximum of three double occupancy guest rooms, except in instances where the proposed bed and breakfast is on a lot 20,000 square feet or larger in area. In those instances a maximum of five double occupancy guest rooms may be permitted. In the R-3 and R-4 zoning districts, the maximum number of double occupancy guest rooms will be limited to five.

C. Breakfast is provided by the host to the guests only, and no other meals are to be served to guests and individual rooms that are rented shall not contain cooking facilities.

D. Signage shall be limited to that permitted under the home occupation provisions of subdivision 2(K).

E. One off-street parking space plus one parking space for each guest room shall be provided, in the CN-NR district only one-half of a parking space shall be provided for each guest room, and shall meet the provisions of section 63.455.

F. The dwelling proposed for a bed and breakfast facility must consist of at least 1,500 square feet of habitable floor area.

G. Guest stays are limited to no more than fourteen consecutive days.

H. A distance separation of at least five hundred feet must be maintained between bed and breakfast uses in the R-2 zoning district. No distance
separation is required in the CN-NR, R-3 and R-4 districts.

I. Bed and Breakfast facilities must meet applicable health, building and fire code requirements prior to establishing the use on the property.

J. Bed and Breakfast facilities in existence prior to August 1, 1997, may be transferred to new owners provided all other conditions are met.

K. No Bed and Breakfast facility shall be permitted on a lot which is less than 10,000 square feet in size except in the CN-NR district where the minimum lot size for a Bed and Breakfast is 4,000 square feet. This clause, however, shall not apply to any Bed and Breakfast facility which is in existence at the time this ordinance takes effect.

62.279 **Smoke Houses:** Accessory buildings used for the smoking of meats and other foods shall not be permitted within a residential zoning district.

62.280 **SPECIAL RESIDENTIAL SETBACK PROVISIONS:**

This section identifies unique yard or setback regulations applicable to certain types of residential development.

62.281 **Side Yard Reduction:** One side yard for a single family detached dwelling or duplex may be reduced below the requirement for side yard, least width, specified in the zoning district tables when the following conditions are met:

1) The sum of the reduced side yard and the opposite side yard shall meet or exceed the requirement for side yard, sum of least width, specified in the zoning district table for the applicable zoning district.

2) Where an existing dwelling on the lot adjacent to the reduced side yard is located closer than the requirement for side yard, sum of least width, specified for that use a minimum building separation of 12 feet must be maintained between dwellings.

3) Where an applicant is developing multiple adjacent lots under the regulations of this paragraph, the minimum building separation between dwellings on adjacent lots under the applicants control shall be 10 feet.

4) No dwelling developed under the regulations of this section shall be located closer than five feet to an existing accessory structure or garage on the lot adjacent to the reduced side yard.

5) The applicant shall record or cause to have recorded a covenant or deed restriction on all properties which abut the reduced side yard which provide for the establishment of an easement four feet in width adjacent to the structure (which may be split between the adjacent properties), which shall provide 1) rights of access to the abutting property for the purpose of construction, reconstruction, repair and maintenance of the building with the reduced side yard; 2) provides for necessary encroachments of footings and eaves onto the adjacent property within the easement area.

6) No garage or other accessory structure shall be placed upon the easement area once established and recorded.
Cluster Development: The Cluster Development provisions are intended to provide an optional set of development regulations for owners who wish to create a subdivision utilizing common areas of land while retaining the overall density that would have been realized if the site had been subdivided into conventional size lots. The purpose of these regulations is to permit the preservation of natural drainage systems or significant natural features, in their natural state, or to permit the creation of common, usable open spaces which are accessible to all residents of the development. The following regulations shall apply to cluster developments:

1) **Type of Buildings**: The cluster development provision may be used in subdivisions intended for single family detached dwellings or duplexes.

2) **Minimum Site Area**: The minimum site area for a cluster development shall be equal to the square footage figure obtained by multiplying the minimum lot size for the type of unit contemplated by a factor of three.

3) The maximum number of units permitted in a cluster development shall not exceed the number resulting from dividing the total area of the site by the minimum lot size required in the applicable zoning district for the dwelling unit type to be used.

4) Individual lot areas and frontages may be reduced by up to 50 percent from normal ordinance standards in a cluster development.

5) Common area shall be equivalent in size to the total reduction in lot areas.

6) Spacing between buildings will be determined by using the performance residential setback requirements of Paragraph 62.283.

7) Lot coverage on individual lots within a cluster development by all structures may not exceed 75 percent; total coverage within the development shall not exceed normal zoning district requirements.

8) A minimum of 240 square feet of private open space in one consolidated area shall be provided for personal use on each individual lot.

9) A coordinated front yard landscaping plan shall be developed for all lots within a cluster development.

10) Yards along the perimeter of the development shall meet the requirements for non-clustered developments.

11) Cluster Developments will require approval of a Type II Conditional Use Permit in addition to the applicable platting procedure required for the creation of new lots within the subdivision.

Performance Residential Setbacks: Performance residential setbacks utilize the concept of exposure to determine the separation that is to be maintained between the wall of a building and a lot line or another building. To determine the required setback from a wall, the following procedure should be followed:
A. The exposure rating of the wall should be determined (Class A, B, C, D, or E as defined).

B. Refer to Paragraph 62.284, Table of Performance Setbacks, to determine the setbacks based on the applicable zoning district.

C. Where performance setbacks are used, they must meet the minimum yard requirements identified in Section 62.284 or the R-2 Zoning District yard requirements for single family detached dwellings (both side yard and sum of side yards), whichever is lower.

D. The use of setback areas is governed by the same regulations applicable to yards found in this ordinance.

E. The setback shall be measured on a horizontal plane at grade.

F. Where courts are created by facing walls of the same building or different buildings on the same lot, the minimum separation between walls shall be equal to the sum of the performance standards.
### PARAGRAPH 62.284
TABLE OF PERFORMANCE SETBACK REQUIREMENTS[1]

<table>
<thead>
<tr>
<th>CATEGORY OF REQUIREMENT</th>
<th>R-Sa</th>
<th>ESTABLISHED DISTRICTS</th>
<th>DEVELOPING LOW DENSITY DESIGNATION</th>
<th>MIXED REDEVELOPMENT MRD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>R-1 &amp; R-1x</td>
<td>R-2 &amp; R-2x</td>
<td>R-3</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>35’</td>
<td>25’</td>
<td>20’</td>
<td>20’</td>
</tr>
<tr>
<td>Minimum Side and Rear Yard, Exposures A–D</td>
<td>10’</td>
<td>8’</td>
<td>6’</td>
<td>6’</td>
</tr>
</tbody>
</table>

**PERFORMANCE SETBACK REQUIREMENTS**

| Class A Exposure | 18’ plus 2’ for each story plus 1’ for each 15’ of building length | 15’ plus 2’ for each story plus 1’ for each 15’ of building length | 12’ plus 2’ for each story plus 1’ for each 15’ of building length | Same as R-2 | 10’ plus 2’ for each story plus 1’ for each 15’ of building length | Same as R-2 | Same as R-2 |
| Class B Exposure   | 12’ plus 1’ for each story plus 1’ for each 20’ of building length | 10’ plus 1’ for each story plus 1’ for each 20’ of building length | 6’ plus 1’ for each story plus 1’ for each 20’ of building length | Same as R-2 | 4’ plus 1’ for each story plus 1’ for each 20’ of building length | Same as R-2 | Same as R-2 |
| Class C Exposure   | 12’             | 10’         | 8’         | 8’  | 3’ plus 1’ for each story plus ½’ for each 20’ of building length | 8’         | 8’ |
| Class D Exposure   | 10’             | 8’          | 6’         | 6’  | 6’  | 5’                   | 6’                    |
| Class E Exposure   | 0’              | 0’          | 0’         | 0’  | 0’  | 0’                   | 0’                    |

[1] To determine the class of exposure, refer to Section 60.200 Definitions.
62.285 **Modifications to Performance Setback Requirements**: The following paragraphs identify permissible modifications to basic performance setback requirements:

1) Where a wall is not a Class A Exposure and contains less than 25 percent of the total required glass area of a dwelling unit, up to one-half (1/2) of the minimum required performance setback may be in the adjacent half of an abutting street or alley right-of-way.

2) Where a wall contains 25 percent or more of the total required glass area of a dwelling unit, up to one-half (1/2) of a minimum required performances setback may be provided for by adjacent public open space.

3) **Equivalent Spacing Alternative**: As an alternative to providing the required yard or setback for each exposure on its own lot, owners of adjoining property may agree (and shall make such agreement in the form of deed restrictions and covenants) to an arrangement of buildings on their respective lots which accomplishes the same or greater separation between such buildings then would have been accomplished by the requirements of Paragraph 62.284. Buildings constructed in accordance with such agreement shall be considered to satisfy the requirements for performance setbacks, and the normal side and rear yards shall not be required. Such agreements shall provide access for servicing and maintenance of dwelling units, and for the safe conduction of stormwater drainage off the site to the stormwater drainage system in place. The provisions of this paragraph shall be restricted only with respect to Class A exposures, which in all cases shall be located on the same lot as the dwelling unit.

4) **Side Yard Access**: When setbacks functioning as side yards are utilized to provide an access drive for a principal building or structure in the rear or on another lot, the access drive shall be treated similar to an alley in that up to one-half (1/2) of a minimum required performance setback may be located in the access drive width. This shall only apply to walls containing less than twenty-five (25%) percent of the total required glass area of any dwelling.

62.286 **Yard and Setbacks for Multifamily Residential Uses Over Three Stories**: Multifamily dwellings over three stories in height shall be required to provide a minimum yard area at grade and, in addition, shall meet designated setback requirements at any given height based on the regulations of the paragraph. The yard and setback requirements are as follows:

1) **Minimum Yard Requirements**:

<table>
<thead>
<tr>
<th>Height</th>
<th>R-3 District</th>
<th>R-4 District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Up To 30’</td>
<td>Over 30’</td>
</tr>
<tr>
<td>Front Yard</td>
<td>20’</td>
<td>25’</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>6’</td>
<td>12’</td>
</tr>
<tr>
<td>Side Yard</td>
<td>6’</td>
<td>8’</td>
</tr>
</tbody>
</table>

2) **Setback Requirements**: At any given height a setback shall be provided as determined by the following formula:

\[ X = \frac{Y}{\text{tangent } \theta}, \text{ where } X = \text{Required Setback} \]
\[ Y = \text{Height} \]
\[ \geq \text{Required Setback Plane Angle} \]

The required setback plane angles are as follows:

<table>
<thead>
<tr>
<th></th>
<th>R-3 District</th>
<th>Tangent</th>
<th>CDC -R R-4 District</th>
<th>Tangent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Lot Line</td>
<td>65 degrees</td>
<td>2.144</td>
<td>70 degrees</td>
<td>2.747</td>
</tr>
<tr>
<td>Rear Lot Line</td>
<td>60 degrees</td>
<td>1.732</td>
<td>68 degrees</td>
<td>2.475</td>
</tr>
<tr>
<td>Side Lot Lines</td>
<td>65 degrees</td>
<td>2.144</td>
<td>65 degrees</td>
<td>2.144</td>
</tr>
</tbody>
</table>

3) **Setback Plane Modification**: The Zoning Administrator may permit a structure to penetrate a required setback plane if the penetration is compensated for by increasing the setback plane along the opposite lot line. The amount of compensation shall be a reduction in the setback plane along the opposite lot line equal to two times the degree of penetration.
62.300 NONRESIDENTIAL ZONING DISTRICT TABLES:
The Zoning District Tables within this article contain the basic lot development standards and site appearance controls applicable to uses in any of the Nonresidential zoning districts established by this ordinance.

62.310 B-1 RESTRICTED COMMERCIAL DISTRICT
This Article lists the standards applicable to uses allowed in the B-1, Restricted Commercial District.

62.311 B-1 GENERAL ZONING DISTRICT STANDARDS
The following table identifies the general zoning district standards applying to uses in the B-1 Zoning District.

<table>
<thead>
<tr>
<th>Maximum Floor Area Ratio:</th>
<th>Setbacks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I Development: 0.50</td>
<td>Maximum Front Yard: 15 Feet</td>
</tr>
<tr>
<td>Under Incentive Development Provisions of 62.600: 2.00</td>
<td>Minimum Required Side Yard: 0 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Sum of Side Yards: 0 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Rear Yard: 0 Feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Percentage of Landscape Area: 12%;</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Maximum Permitted Height: 30 Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptions to Height Regulation Found in Par. 60.424 Subd. 6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Lot Size: None</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Minimum Width at Building Line: None</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Transitional Front Yards:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A front yard or side street side yard equal to 1/2 the front yard required in the adjacent residential zoning district shall be provided on any transitional lot.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pedestrian and Site Design Standards:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development is subject to Sections 63.273 and 63.274 of this Ordinance as specified.</td>
</tr>
</tbody>
</table>
# 62.312 B-1 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the B-1 Zoning District.

## COMMENTARY:
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

## ABBREVIATIONS/SYMBOLS in the table:
1) Stnd is the abbreviation for “Standards”
2) % is the symbol for “Percentage”
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5) F.A. stands for “Floor Area”
6) SQFT stands for “Square Feet”

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
<tr>
<td>PRIMARY REFERENCE PARAGRAPH</td>
<td>PRIMARY REFERENCE PARAGRAPH</td>
<td>PRIMARY REFERENCE PARAGRAPH</td>
<td>PRIMARY REFERENCE PARAGRAPH</td>
<td>PRIMARY REFERENCE PARAGRAPH</td>
<td>PRIMARY REFERENCE PARAGRAPH</td>
</tr>
<tr>
<td>NOTES Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Section 63.210</td>
<td>Section 62.111</td>
<td>Section 62.112</td>
<td>Section 62.113</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Duplexes</th>
<th>I</th>
<th>62.381(1)</th>
<th>62.266 (1)</th>
<th>R</th>
<th>R</th>
<th>12</th>
<th>R</th>
<th>III</th>
<th>2 PER NEW UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family Residential</td>
<td>I</td>
<td>62.381(1)</td>
<td>62.381(2)</td>
<td>62.266 (1) (3)</td>
<td>R</td>
<td>A</td>
<td>12</td>
<td>T</td>
<td>III</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>III</td>
<td>62.381(2)</td>
<td>62.266 (1)</td>
<td>R</td>
<td>R</td>
<td>12</td>
<td>T</td>
<td>III</td>
<td>1 PER MANUFACTURED HOME</td>
</tr>
<tr>
<td>Offices</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
<td>1 PER 400 SQFT F.A.</td>
<td></td>
</tr>
<tr>
<td>Medical Office/Clinic</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.6</td>
<td>T</td>
<td>VI</td>
<td>5 PER MEDICAL PROFESSIONAL</td>
<td></td>
</tr>
<tr>
<td>Transient Accommodations</td>
<td>I</td>
<td>62.266 (1)</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>V</td>
<td>1 PER SLEEPING UNIT</td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>I</td>
<td>62.387(A)</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
<td>1 PER 200 SQFT F.A.</td>
</tr>
<tr>
<td>Business Service</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
<td>1 PER 200 SQFT F.A.</td>
<td></td>
</tr>
<tr>
<td>Repair &amp; Maintenance</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
<td>1 PER 300 SQFT F.A.</td>
<td></td>
</tr>
<tr>
<td>Education Service</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
<td>1 PER EMP. PRESENT DURING LARGEST CLASS ATTENDANCE PERIOD</td>
<td></td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
<td>1 PER EMP. ON LARGEST SHIFT</td>
<td></td>
</tr>
<tr>
<td>Medical Facility</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>V</td>
<td>1 PER 3 PLANNED BED SITES</td>
<td></td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
<td>1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY</td>
<td></td>
</tr>
<tr>
<td>Veterinary Service</td>
<td>II</td>
<td>62.383(C)</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
<td>3 PER MEDICAL PROFESSIONAL</td>
</tr>
<tr>
<td>Auto Maintenance Services</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T,S,25%</td>
<td>VII</td>
<td>5 PER SERVICE BAY</td>
<td></td>
</tr>
<tr>
<td>Auto Center</td>
<td>II</td>
<td>62.383(A)</td>
<td>6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T,S,25%</td>
<td>VII</td>
<td>5 PER SERVICE BAY</td>
</tr>
<tr>
<td>Medical Stay Dwelling Unit</td>
<td>I</td>
<td>62.141 (11)</td>
<td>62.263 (6)</td>
<td>62.266 (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 PER 100 SQFT RETAIL AREA</td>
</tr>
</tbody>
</table>
### 62.312 B-1 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the B-1 Zoning District.

**COMMENTARY:**

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<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
<tr>
<td>PRIMARY REFERENCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 62.111</td>
<td>Section 62.112</td>
</tr>
<tr>
<td>NOTES</td>
<td></td>
<td></td>
<td>Regulations found in Sec. 62.140</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Section 62.131</td>
<td>Section 62.132</td>
</tr>
</tbody>
</table>

- **Car Washes**: II 62.383(A) (B) 6AM-10PM B B 8.5 T,S,25% VII (SEE DRIVE-IN FACILITIES)
- **Parking Facility**: [II 62.385](#) B B 8.5 V
- **Fast Food Restaurant**: I 62.385 6AM-11PM B B 8.5 T E VII 1 PER 3 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT
- **Standard Restaurant**: I 6AM-11PM B B 8.5 VII 1 PER 4 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT
- **Transportation Services**: I 6AM-10PM B B 8.5 T,S,40% VI 1 PER 150 SQFT F.A. DEVOTED TO CUSTOMER SERVICE PLUS 1 PER RENTAL/COMPANY VEHICLE
- **Retail Trade**: I 6AM-10PM B B 8.5 T,A VI 1 PER 150 SQFT F.A.
- **Furniture & Appliance Sales**: I 6AM-10PM B B 8.6 T,A VI 1 PER 600 SQFT F.A.
- **Business Center**: I 6AM-10PM B 63.227 8.7 T,A VI SEE PAR. 62.383(D)
- **Garden Center**: I 7 AM-9 PM B B T,B 50% VII 1 PER 2 EMPLOYEES ON LARGEST SHIFT, 1 PER 1,000 SQUARE FEET FLOOR AREA USED FOR INTERIOR SALES, 1 PER 5,000 SQUARE FEET EXTERIOR DISPLAY AREA
- **Convenience Retail**: I 62.383(A) 6AM-11PM B B 8.5 T,B E VII 1 PER 100 SQFT F.A.
- **Wholesaling**: I 62.383(G) 6AM-10PM B B 8.5 T E VII 1 PER 2 EMP. ON LARGEST WORK SHIFT OR 1200 SQFT F.A. WHICHEVER IS GREATER PLUS 1 FOR EACH COMPANY VEHICLE NORMALLY STOPPED OR PARKED ON THE SITE
- **Communication**: I B B 8.5 T VI 1 PER EMP. LARGEST SHIFT
- **Emergency Services**: II B B 8.5 T E VI 1 PER EMP. LARGEST SHIFT

SEE DEFINITION OF PARKING AND PARAGRAPH 62.123(1) Regulations for Off-street parking in Section 63.400
62.312 B-1 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the B-1 Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPHS</td>
<td>Paragraphs</td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
<td>Sign Regulations</td>
<td>Landscape Material Point Base</td>
</tr>
<tr>
<td>Trade Shop</td>
<td>II</td>
<td>6AM-10PM</td>
<td>B B 8.5 T,A E VI</td>
<td>1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
<td></td>
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</tr>
<tr>
<td>Indoor Athletic Facility</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B B 8.5 T VI</td>
<td>1 PER 100 SQFT F.A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Agriculture</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B B NA T,A,70% V</td>
<td>1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substantial Land Alteration</td>
<td>III, Phase II</td>
<td>6AM-10PM</td>
<td>B B 8.5 T VI</td>
<td>1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
<td></td>
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</tr>
<tr>
<td>Sand or Gravel Excavation</td>
<td>III, Phase II</td>
<td>6AM-10PM</td>
<td>B B 8.5 T VI</td>
<td>1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender Transitional Housing</td>
<td>III, Phase I</td>
<td>6AM-10PM</td>
<td>B B 8.5 T VI</td>
<td>1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area Accessory Dvlpmnt</td>
<td>I</td>
<td>6AM-10PM</td>
<td>B B 8.5 T VI</td>
<td>1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
<td></td>
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</tr>
<tr>
<td>Drive-In Facilities</td>
<td>II</td>
<td>6AM-10PM</td>
<td>B B 8.5 T VI</td>
<td>1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

STACKING REQUIREMENTS:
FINANCIAL INSTITUTIONS: 8 INBOUND & 1 OUTBOUND SPACE/LANE
RESTAURANTS (FAST FOOD): SAME AS FINANCIAL INSTITUTIONS
CAR WASH (MANUAL): 5 INBOUND & 2 OUTBOUND SPACES PER BAY
CAR WASH (MACHINE): 10 INBOUND & 1 OUTBOUND SPACE/BAY
OTHER USES: 3 INBOUND & 1 OUTBOUND SPACE PER SERVICE LANE
62.316 **B-2 PEDESTRIAN ORIENTED RESTRICTED COMMERCIAL DISTRICT:**
This article lists the standards applicable to uses allowed in the B-2 Pedestrian Commercial District.

62.317 **B-2 GENERAL ZONING DISTRICT STANDARDS:**
The following table identifies the general zoning district standards applying to uses in the B-2 Zoning District.

<table>
<thead>
<tr>
<th><strong>Maximum Floor Area Ratio:</strong></th>
<th><strong>Setbacks:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I Development: 1.50</td>
<td>Maximum Front Yard: 15 Feet</td>
</tr>
<tr>
<td>Under Incentive Development Provisions of 62.600: 3.00</td>
<td>Minimum Required Side Yard: 0 Feet</td>
</tr>
</tbody>
</table>

| **Minimum Percentage of Landscape Area:** 15% |
| **Maximum Permitted Height:** 35 Feet |
| Exceptions to Height Regulation Found in Par. 60.424 Subd. 6 |

| **Transitional Front Yards:** |
| A front yard or side street side yard equal to 1/2 the front yard required in the adjacent residential zoning district shall be provided on any transitional lot. |

| **Minimum Lot Size:** None |

| **Minimum Width at Building Line:** None |

| **Pedestrian and Site Design Standards:** |
| All Development is subject to Sec. 63.271 (et. Seq.) Pedestrian and Site Designs Standards. |
### 62.318 B-2 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the B-2 Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
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<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH</td>
<td>PARAGRAPH</td>
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<tr>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.263</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
</tr>
</tbody>
</table>

#### NOTES

- Description of each Use category found in Section 62.140
- Regulations found in Section 63.210
- Primarily found in Par. 62.263
- To Determine Req. Buffer see 63.260

<table>
<thead>
<tr>
<th>PRIMARY REFERENCE</th>
<th>PARAGRAPH</th>
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<td>Primarily found in Par. 62.263</td>
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<td>Section 63.220</td>
<td>Section 63.230</td>
<td>Section 63.240</td>
<td>Section 63.250</td>
<td>To Determine Req. Buffer see 63.260</td>
<td>Regulations for Off-street parking in Section 63.400</td>
</tr>
</tbody>
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<tr>
<th>Use Type</th>
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</tbody>
</table>
## 62.318 B-2 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the B-2 Zoning District.

### COMMENTARY:
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

### ABBREVIATIONS/SYMBOLS in the table:
1) Stnd is the abbreviation for “Standards”
2) % is the symbol for “Percentage”
3) BDR. Stands for “Bedroom”
4) EMP. stands for “Employee”
5) F.A. stands for “Floor Area”
6) SQFT stands for “Square Feet”

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>Use of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED _PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.266</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
</tr>
<tr>
<td>Parking Facility</td>
<td>II 62.385</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>E</td>
</tr>
<tr>
<td>Fast Food Restaurant</td>
<td>II 6AM-11PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>E</td>
</tr>
<tr>
<td>Standard Restaurant</td>
<td>I 6AM-11PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
</tr>
<tr>
<td>Retail Trade</td>
<td>I 6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T,A</td>
<td>VI</td>
</tr>
<tr>
<td>Furniture &amp; Appliance Sales</td>
<td>I 6AM-10PM</td>
<td>B</td>
<td>B</td>
<td>8.6</td>
<td>T,A</td>
<td>VI</td>
</tr>
<tr>
<td>Business Center</td>
<td>I 6AM-10PM</td>
<td>B</td>
<td>63.227</td>
<td>8.7</td>
<td>T,A</td>
<td>VI</td>
</tr>
<tr>
<td>Garden Center</td>
<td>I 7 AM-9 PM</td>
<td>B</td>
<td>B</td>
<td>T, B 50%</td>
<td>E</td>
<td>VII</td>
</tr>
<tr>
<td>Convenience Retail</td>
<td>I 62.383(A)</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T,B</td>
<td>E</td>
</tr>
<tr>
<td>Communication</td>
<td>I 6AM-11PM</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>VI</td>
</tr>
<tr>
<td>Emergency Services</td>
<td>II</td>
<td>B</td>
<td>B</td>
<td>8.5</td>
<td>T</td>
<td>E</td>
</tr>
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</table>
# B-2 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the B-2 Zoning District.

## APPEARANCE CONTROL STANDARDS

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<tr>
<th>CATEGORY OF STANDARDS</th>
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<td></td>
<td>REQUIRED OFF-STREET PARKING</td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.263</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
</tr>
</tbody>
</table>

### TRADE SHOP

- II
- Hours of Operation: 6AM-10PM
- Exterior Lighting: B
- Sign Regulations: B
- Landscape Material Point Base: 8.5
- Exterior Storage Regulations: T
- Site Location Requirement: A
- Bufferyard Indicator: E
- VI

- 1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE

### INDOOR ATHLETIC FACILITY

- I
- Hours of Operation: 6AM-10PM
- Exterior Lighting: B
- Sign Regulations: B
- Landscape Material Point Base: 8.5
- Exterior Storage Regulations: T
- Site Location Requirement: A
- Bufferyard Indicator: E
- VI

- 1 PER 100 SQFT F.A.

### RETAIL AGRICULTURE

- I
- Hours of Operation: 6AM-10PM
- Exterior Lighting: B
- Sign Regulations: B
- Landscape Material Point Base: NA
- Exterior Storage Regulations: T
- Site Location Requirement: A
- Bufferyard Indicator: E
- F

- 1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE

### SUBSTANTIAL LAND ALTERATION

- III, Phase II
- Hours of Operation: 6AM-10PM
- Exterior Lighting: B
- Sign Regulations: B
- Landscape Material Point Base: 8.5
- Exterior Storage Regulations: T
- Site Location Requirement: A
- Bufferyard Indicator: E
- F

- 1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE

### SAND OR GRAVEL EXCAVATION

- III, Phase II
- Hours of Operation: 6AM-10PM
- Exterior Lighting: B
- Sign Regulations: B
- Landscape Material Point Base: 8.5
- Exterior Storage Regulations: T
- Site Location Requirement: A
- Bufferyard Indicator: E
- F

- 1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE

### OFFENDER TRANSITIONAL HOUSING

- III, Phase I
- Hours of Operation: 6AM-10PM
- Exterior Lighting: B
- Sign Regulations: B
- Landscape Material Point Base: 8.5
- Exterior Storage Regulations: T
- Site Location Requirement: A
- Bufferyard Indicator: E
- F

- 1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE

### AREA ACCESSORY DEVELOPMENT

- I
- Hours of Operation: 6AM-10PM
- Exterior Lighting: B
- Sign Regulations: B
- Landscape Material Point Base: 8.5
- Exterior Storage Regulations: T
- Site Location Requirement: A
- Bufferyard Indicator: E
- F

- 1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE

### DRIVE-IN FACILITIES

- III
- Hours of Operation: 6AM-10PM
- Exterior Lighting: B
- Sign Regulations: B
- Landscape Material Point Base: 8.5
- Exterior Storage Regulations: T
- Site Location Requirement: A
- Bufferyard Indicator: E
- F

- 1 PER EMP: ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE

### APPEARANCE CONTROLS, BUFFERYARDS, AND OTHER SITE DESIGN REQUIREMENTS FOR DRIVE-IN USES CONTROLLED BY UNDERLYING LAND USE CATEGORY

- FINANCIAL INSTITUTIONS: 8 INBOUND & 1 OUTBOUND SPACE/LANE
- RESTAURANTS (FAST FOOD): SAME AS FINANCIAL INSTITUTIONS
- CAR WASH (MANUAL): 5 INBOUND & 2 OUTBOUND SPACES PER BAY
- CAR WASH (MACHINE): 10 INBOUND & 1 OUTBOUND SPACE/BAY
- OTHER USES: 3 INBOUND & 1 OUTBOUND SPACE PER SERVICE LANE

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**ABBREVIATIONS/SYMBOLS**

1) Stnd is the abbreviation for “Standards”
2) EMP. stands for “Employee”
3) % is the symbol for “Percentage”
4) BDR. Stands for “Bedroom”
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7) FINANCIAL INSTITUTIONS: 8 INBOUND & 1 OUTBOUND SPACE/LANE
8) RESTAURANTS (FAST FOOD): SAME AS FINANCIAL INSTITUTIONS
9) CAR WASH (MANUAL): 5 INBOUND & 2 OUTBOUND SPACES PER BAY
10) CAR WASH (MACHINE): 10 INBOUND & 1 OUTBOUND SPACE/BAY
11) OTHER USES: 3 INBOUND & 1 OUTBOUND SPACE PER SERVICE LANE
62.320  B-4 GENERAL COMMERCIAL DISTRICT  
This article lists the standards applicable to uses allowed in the B-4, General Commercial District.

62.321  B-4 GENERAL ZONING DISTRICT STANDARDS  
The following table identifies the general zoning district standards applying to uses in the B-4 Zoning District

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<th>Maximum Floor Area Ratio:</th>
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<td>Type I Development: 0.50</td>
<td>Required Front Yard: 15 Feet</td>
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<td>Under Incentive Development Provisions of 62.600: 4.00</td>
<td>Minimum Required Side Yard: 0 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Sum of Side Yards: 0 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Rear Yard: 0 Feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Percentage of Landscape Area: 10%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Permitted Height: 40 Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptions to Height Regulation Found in Par. 60.424 Subd. 6 (A)</td>
</tr>
<tr>
<td>Permitted Design Modification found in Par. 60.424 Subd. 6</td>
</tr>
<tr>
<td>iped and Site Design Standards:</td>
</tr>
<tr>
<td>Development is subject to Sections 63.273 and 63.274 of this Ordinance as specified.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Lot Size: None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Night Operation:</td>
</tr>
<tr>
<td>Buildings customarily used for night operations, such as bakeries or milk bottling, shall not have any openings other than stationary windows or required fire exits within 200 feet of an R-district.</td>
</tr>
</tbody>
</table>

| Minimum Width at Building Line: None |
62.322 B-4 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the B-4 Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description of each Use category found in Section 62.140</td>
<td></td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 65.263</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>Section</td>
<td>Section</td>
<td>Section</td>
<td>Section</td>
<td>Section</td>
<td>Section</td>
</tr>
<tr>
<td>Notes</td>
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<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Manufactured Home Park</th>
<th>III</th>
<th>62.381(2)</th>
<th>62.266(1)</th>
<th>R</th>
<th>A</th>
<th>On a space: 10</th>
<th>R</th>
<th>Existing: V Proposed: IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offices</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI 1 PER NEW DWELLING UNIT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Office/Clinic</td>
<td></td>
<td>C</td>
<td>C</td>
<td>6</td>
<td>T</td>
<td>VI 5 PER MEDICAL PROFESSIONAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transient Accommodations</td>
<td>I</td>
<td>C</td>
<td>D</td>
<td>5</td>
<td>T</td>
<td>VI 1 PER SLEEPING UNIT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI 1 PER 200 SQFT F.A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Service</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI 1 PER 200 SQFT F.A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair &amp; Maintenance Shop</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI 1 PER 300 SQFT F.A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Services</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI 1 PER 3 STUDENTS PLUS 1 PER EMP. PRESENT DURING LARGEST CLASS ATTENDANCE PERIOD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI 1 PER EMP. ON LARGEST SHIFT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Membership Services</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VII 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Facilities</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI 1 PER 4 BEDS OR 300 SQFT F.A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING</td>
<td></td>
<td></td>
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<tr>
<td>Veterinary Service</td>
<td>I</td>
<td>62.383(C)</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI 3 PER PRINCIPAL MEDICAL PROFESSIONAL</td>
<td></td>
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<tr>
<td>Auto Maintenance Services</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VIII 5 PER REPAIR BAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automotive Repair Services</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T,S,40%</td>
<td>VII 5 PER REPAIR BAY PLUS 1 PER 100 SQFT RETAIL AREA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto Center</td>
<td>I</td>
<td>62.383(A)</td>
<td>C</td>
<td>D</td>
<td>5</td>
<td>T,S,40%</td>
<td>VII 5 PER REPAIR BAY PLUS 1 PER 100 SQFT RETAIL AREA</td>
<td></td>
</tr>
<tr>
<td>Self Service Storage Facility</td>
<td>I</td>
<td>62.383(H)</td>
<td>6 AM to 11 PM where use is adjacent to a residential zoning district</td>
<td>R if adjacent to a residential zoning district or City Park, B in all other locations. Lights with no cut off not permitted.</td>
<td>B</td>
<td>R where abutting residential zoning district, S Elsewhere</td>
<td>E</td>
<td></td>
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<tr>
<td>Offender Transitional Housing</td>
<td>III, Phase I</td>
<td>62.381(1)</td>
<td>62.940-62.945</td>
<td>62.263 (2)</td>
<td></td>
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</tr>
</tbody>
</table>

**COMMENTARY:**

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**

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- 8) % is the symbol for "Percentage"
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- 11) F.A. stands for "Floor Area"
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### 62.322 B-4 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the B-4 Zoning District.

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<tr>
<th>CATEGORY OF STANDARDS</th>
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<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-Street PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation Exterior Lighting Sign Regulations Landscape Material Point Base Exterior Storage Regulations Site Location Requirement Bufferyard Indicator</td>
<td></td>
</tr>
<tr>
<td>PRIMARY REFERENCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SEE DEFINITION OF PARKING AND PARAGRAPH 62.121</td>
</tr>
<tr>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380 Primarily found in Par. 62.266</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
<td>Section 63.240</td>
<td>Section 63.250</td>
</tr>
</tbody>
</table>

1. **Car Washes** I 62.383(A)(B) C D 5 T, B, S, 40% VII (SEE DRIVE-IN FACILITIES) 1 PER 3 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT
2. **Fast Food Restaurant** I C D 5 T E VII 1 PER 4 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT
3. **Standard Restaurant** I C C 5 T VII 1 PER 150 SQFT F.A. DEVOTED TO CUSTOMER SERVICE PLUS 1 PER RENTAL/COMPANY VEHICLE
4. **Transportation Services** I C C 5 T, S, 80% VI 1 PER 150 SQFT F.A.
5. **Retail Trade** I C D 5 T, B VII 1 PER 150 SQFT F.A. 1 PER 1500 SQFT OF LOT AREA
6. **Furniture & Appliance Sales** I C D 6 T, B VII 1 PER 600 SQFT F.A.
7. **Business Centers** I C 63.227 7 T, B VII SEE PAR. 62.383(D)
8. **Garden Center** I 7AM-9PM B C T, B, 5 80% VII 1 PER 2 EMPLOYEES ON LARGEST SHIFT, 1 PER 1,000 SQUARE FEET FLOOR AREA USED FOR INTERIOR SALES, 1 PER 5,000 SQUARE FEET EXTERIOR DISPLAY AREA
9. **Sales and Storage Lots** I C D 5 T, V, S, 80% VII 1 PER 1500 SQFT OF LOT AREA
10. **Convenience Retail** I 62.383(A) C D 5 T, B E VII 1 PER 100 SQFT F.A.
11. **Wholesaling** I C D 5 T, A E VII 1 PER 2 EMP. ON LARGEST WORK SHIFT OR 1200 SQFT F.A. WHICHEVER IS GREATER PLUS 1 FOR EACH COMPANY VEHICLE NORMALLY STORED OR PARKED ON THE SITE
12. **Local Transit** I D C 5 T, S, 50% E VII SAME AS FOR WHOLESAILING
13. **Motor Freight & Warehousing** I D D 5 T, S, 50% E VIII SAME AS FOR WHOLESAILING

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**CHAPTER 62 – Updated June 2019**
# B-4 SITE APPEARANCE STANDARDS

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<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.266</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
</tr>
<tr>
<td>Communications</td>
<td>I</td>
<td></td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Emergency Services</td>
<td>I</td>
<td></td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Air Transportation</td>
<td>III</td>
<td>62.383(F)</td>
<td></td>
<td>D</td>
<td>C</td>
</tr>
<tr>
<td>Parking Facility</td>
<td>I</td>
<td>62.385</td>
<td></td>
<td>C</td>
<td>B</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>II</td>
<td>62.384(G)</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Non-Production Industrial</td>
<td>I</td>
<td>D</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Research &amp; Testing</td>
<td>II</td>
<td>C</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Trade Shops</td>
<td>I</td>
<td></td>
<td></td>
<td>D</td>
<td>C</td>
</tr>
<tr>
<td>Campgrounds &amp; Trailering</td>
<td>II</td>
<td>62.386(1)</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Outdoor Recreation Facility</td>
<td>II</td>
<td>62.386(2)</td>
<td>6AM-11PM</td>
<td>C</td>
<td>63.214</td>
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<tr>
<td>Indoor Athletic Facility</td>
<td>I</td>
<td>C</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Indoor Recreation</td>
<td>I</td>
<td>C</td>
<td></td>
<td>C</td>
<td>D</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>I</td>
<td></td>
<td></td>
<td>C</td>
<td>D</td>
</tr>
<tr>
<td>Outdoor Entertainment</td>
<td>III</td>
<td>62.383(E)</td>
<td></td>
<td>C</td>
<td>D</td>
</tr>
</tbody>
</table>

**Communications:** 1 PER 200 SQFT F.A.

**Emergency Services:** 1 PER EMP. LARGEST SHIFT

**Air Transportation:** FOR A STRUCTURE: VIII FOR A LOT: VII

**Parking Facility:** SAME AS FOR WHOLESALING

**Light Industrial:** SAME AS FOR WHOLESALING

**Non-Production Industrial:** 1 PER 200 SQFT F.A.

**Research & Testing:** 1 PER EMP. ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE

**Trade Shops:** 1 PER OVERNIGHT SITE

**Campgrounds & Trailering:** 1 FOR EVERY 3 EXPECTED PATRONS AT CAPACITY: GOLF COURSE: 1.5/HOLE

**Outdoor Recreation Facility:** 1 PER 100 SQFT F.A.

**Indoor Athletic Facility:** 1 PER 3 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING

**Indoor Recreation:** 4 PER LANE PLUS 1 PER EMP. ON LARGEST SHIFT

**Bowling Alleys:** 1 PER 4 PATRONS AT EXPECTED MAXIMUM CAPACITY

**Outdoor Entertainment:** 1 PER 200 SQFT F.A.
# 62.322 B-4 SITE APPEARANCE STANDARDS

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## Appearances Control Standards

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<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>Hours of Operation</th>
<th>Exterior Lighting</th>
<th>Sign Regulations</th>
<th>Landscape Material Point Base</th>
<th>Exterior Storage Regulations</th>
<th>Site Location Requirement</th>
<th>Buffer Indicator</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drinking &amp; Entertainment</td>
<td>II</td>
<td></td>
<td>C</td>
<td>D</td>
<td>5</td>
<td>T</td>
<td>E</td>
<td>VII</td>
<td>1 PER 3 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Adult Establishment</td>
<td>I</td>
<td></td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T,A</td>
<td>I,E</td>
<td>VII</td>
<td>1 PER 200 SQFT F.A.</td>
<td></td>
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<tr>
<td>Agricultural Production</td>
<td>I</td>
<td>62.384 (B)</td>
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<td></td>
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<tr>
<td>Animal Husbandry</td>
<td>I</td>
<td>62.383(C)</td>
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<tr>
<td>Agricultural Services</td>
<td>I</td>
<td></td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T,S,50%</td>
<td></td>
<td>VII</td>
<td>1 PER EMP. ON LARGEST SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
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<tr>
<td>Agricultural Support</td>
<td>I</td>
<td></td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T,S,40%</td>
<td></td>
<td>VII</td>
<td>SAME AS AGRICULTURAL SERVICES</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Retail Agricultural</td>
<td>II</td>
<td></td>
<td>C</td>
<td>C</td>
<td>NA</td>
<td>T,S,80%</td>
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<td>VI</td>
<td>SAME AS AGRICULTURAL SERVICES</td>
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<tr>
<td>Area Accessory Dvlpmnt</td>
<td>I</td>
<td>62.930</td>
<td>62.933</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>62.936</td>
<td>VI</td>
<td>SEE PAR. 62.935</td>
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<tr>
<td>Substantial Land Alteration</td>
<td>I, Phase II</td>
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</tr>
<tr>
<td>Quarry</td>
<td>I, Phase II</td>
<td></td>
<td></td>
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<tr>
<td>Sand or Gravel Excavation</td>
<td>I, Phase II</td>
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<tr>
<td>Advertising Signs</td>
<td>I</td>
<td>63.224 Subd. 1(E)</td>
<td>65.510</td>
<td>D</td>
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</tr>
<tr>
<td>Indoor Gun Range</td>
<td>III</td>
<td>62.1200</td>
<td>7am – 10 pm</td>
<td>C</td>
<td>D</td>
<td>5</td>
<td>T</td>
<td></td>
<td>VII</td>
<td>1 PER 3 PERSONS BASED ON MAXIMUM CAPACITY OF BLDG</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-In Facilities</td>
<td>Based on underlying use type</td>
<td>62.383(B)</td>
<td>APPEARANCE CONTROLS FOR DRIVE-IN USES CONTROLLED BY UNDERLYING USE TYPE</td>
<td>STACKING REQUIREMENTS: FINANCIAL INSTITUTIONS: 8 INBOUND &amp; 1 OUTBOUND SPACE/LANE RESTAURANTS (FAST FOOD): SAME AS FINANCIAL INSTITUTIONS CAR WASH (MANUAL): 5 INBOUND &amp; 2 OUTBOUND SPACES PER BAY CAR WASH (MACHINE): 10 INBOUND &amp; 1 OUTBOUND SPACE/BAY OTHER USES: 3 INBOUND &amp; 1 OUTBOUND SPACE PER SERVICE LANE</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
62.330  B-5 RESIDENTIAL COMMERCIAL DISTRICT
This article lists the standards applicable to uses allowed in the B-5, Residential Commercial District.

62.331  B-5 GENERAL ZONING DISTRICT STANDARDS
The following table identifies the general zoning district standards applying to uses in the B-5 Zoning District.

<table>
<thead>
<tr>
<th>Maximum Floor Area Ratio:</th>
<th>Setbacks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I or II Development: 0.25</td>
<td>Maximum Front Yard: 15 Feet</td>
</tr>
<tr>
<td>Under Incentive Development Provisions of 62.600: 0.50</td>
<td>Minimum Required Side Yard: 10 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Sum of Side Yards: Not Applicable</td>
</tr>
<tr>
<td></td>
<td>Minimum Rear Yard: 10 Feet</td>
</tr>
</tbody>
</table>

| Minimum Percentage of Landscape Area: 15%      | Transitional Front Yards:        |
|                                               | A front yard or side street side yard equal to ½ the front yard required in the adjacent residential zoning district shall be provided on any transitional lot. |

| Maximum Permitted Height: 24 Feet; or 35' for structures with residential above ground level non-residential uses | |
| Exceptions to Height Regulation Found in Par. 60.424 Subd. 6 |
| Minimum Lot Size: None                           |
| Minimum Width at Building Line: None            |
### 62.332 B-5 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the B-5 Zoning District.

**COMMENTARY:**

The standards in this table identify the site appearance standards applying to uses in the B-5 Zoning District.

**ABBREVIATIONS/SYMBOLS in the table:**

13) Stnd is the abbreviation for “Standards”
14) EMP. stands for “Employee”
15) BDR. Stands for “Bedroom”
16) F.A. stands for “Floor Area”
17) SQFT stands for “Square Feet”

**CATEGORY OF STANDARDS**

List of Permitted Uses

**APPEARANCE CONTROL STANDARDS**

<table>
<thead>
<tr>
<th>PRIMARY REFERENCE</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NOTE</strong></td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Par. 62.380</td>
<td>Primarily found in Par. 62.263</td>
<td>Section</td>
<td>Section</td>
<td>Section</td>
<td>Section</td>
<td>Section</td>
<td>To Determine Req. Buffer see 63.260</td>
</tr>
<tr>
<td><strong>REQUIRED OFF-STREET PARKING</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Regulations for Off-street parking in Section 63.400</td>
</tr>
</tbody>
</table>

#### Office

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** A
- **Buffer Indicator:**
- **Regulations for Off-street parking:** 1 PER 400 SQFT F.A.

#### Personal Service

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** J
- **Buffer Indicator:** iii
- **Regulations for Off-street parking:** 1 PER 200 SQFT F.A.

#### Medical Facility

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** E
- **Buffer Indicator:** V
- **Regulations for Off-street parking:** 1 PER MEDICAL PROFESSIONAL

#### Neighborhood Retail*

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** E
- **Buffer Indicator:** V
- **Regulations for Off-street parking:** 1 PER 150 SQ FT F.A.

#### Neighborhood Food Sales/Service*

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** E
- **Buffer Indicator:** V
- **Regulations for Off-street parking:** 1 PER 3 SEATS

#### Business Center*

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** E
- **Buffer Indicator:** V
- **Regulations for Off-street parking:** See Section 62.383(D)

#### Multi-Family Residential

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** E
- **Buffer Indicator:** V
- **Regulations for Off-street parking:** See Section 62.383(D)

#### Nursing and Personal Care

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** J
- **Buffer Indicator:** III
- **Regulations for Off-street parking:** 1 PER 6 BEDS

#### Day Care Facility

- **Use Type:** I
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** R
- **Buffer Indicator:** I
- **Regulations for Off-street parking:** 1 PER EMPLOYEE ON LARGEST SHIFT

#### Funeral Homes

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** I
- **Buffer Indicator:** III
- **Regulations for Off-street parking:** 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING

#### Substantial Land Alteration

- **Use Type:** III, Phase II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** A
- **Buffer Indicator:** S
- **Regulations for Off-street parking:** 1 PER EMP. ON LARGEST SHIFT

#### Sand or Gravel Excavation

- **Use Type:** III, Phase II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** A
- **Buffer Indicator:** S
- **Regulations for Off-street parking:** 1 PER EMP. ON LARGEST SHIFT

#### Area Accessory Use

- **Use Type:** II
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** 62.936
- **Buffer Indicator:** III
- **Regulations for Off-street parking:** SEE PAR. 62.935

#### Offender Transitional Housing

- **Use Type:** III, Phase I
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** 62.936
- **Buffer Indicator:** III
- **Regulations for Off-street parking:** SEE PAR. 62.935

#### Medical Stay Dwelling Unit

- **Use Type:** I
- **Hours of Operation:** 6AM-10PM
- **Exterior Lighting:** R
- **Sign Regulations:** A
- **Landscape Material Point Base:** 15.5
- **Exterior Storage Regulations:** T
- **Site Location Requirement:** 62.936
- **Buffer Indicator:** III
- **Regulations for Off-street parking:** SEE PAR. 62.935

* Maximum Floor Area is 2,000 s.f. for any single space or single use

* Maximum Total Combine Floor Area for Neighborhood Retail or Neighborhood Food Sales/Service uses in any contiguous B-5 District is 6,000 s.f.
### 62.335 TOD TRANSIT-ORIENTED DISTRICT

This article lists the standards applicable to uses allowed in the TOD, Transit-Oriented District.

**Subd. 1: Applicability**
1. The TOD District applies in the area shown on the TOD District map. [See Map on Exhibit A].
2. Standards applicable to TOD Nodes apply in areas designated as TOD-Node on the TOD District Map.
3. Standards applicable to TOD Corridors apply in areas designated as TOD-Corridor on the TOD District Map.

### 62.336 TOD GENERAL ZONING DISTRICT REGULATIONS

The following table identifies the general zoning district standards applying to uses in the TOD Zoning District.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Location</th>
<th>Maximum Floor Area Ratio:</th>
<th>Minimum Percentage of Landscape Area</th>
<th>Maximum Permitted Height</th>
<th>Minimum Lot Size</th>
<th>Minimum Setbacks See Also Section 62.XXX Building Placement for Maximum Setbacks</th>
<th>Corner Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Containing Permitted Nonresidential Primary Uses as listed in Article 62.337, TOD Site Appearance Standards</td>
<td>TOD Node</td>
<td>3.0</td>
<td>5%</td>
<td>70 feet Bonus: See 62.338, Subd. 4</td>
<td>None</td>
<td>Minimum Front Yard: 0 Feet Minimum Required Side Yard: 0 Feet Minimum Sum of Side Yards: 0 Feet Minimum Rear Yard: 0 Feet</td>
<td>A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of any lot in the R-1 or R-2 Zoning District.</td>
</tr>
<tr>
<td>Building Containing Permitted Residential Primary Uses as listed in Article 62.337, TOD Site Appearance Standards</td>
<td>TOD Node</td>
<td>4.0</td>
<td>5%</td>
<td>70 feet Bonus: See 62.338, Subd. 4</td>
<td>None</td>
<td>Minimum Front Yard: 10 Feet Minimum Required Side Yard: 5 Feet Minimum Sum of Side Yards: 10 Feet Minimum Rear Yard: 5 Feet</td>
<td>A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of any lot in the R-1 or R-2 Zoning District.</td>
</tr>
<tr>
<td>Building Containing a mix of Permitted Nonresidential and Residential Primary Uses as listed in Article 62.337 TOD Site Appearance Standards</td>
<td>TOD Node</td>
<td>5.0</td>
<td>5%</td>
<td>70 feet Bonus: See 62.338, Subd. 4</td>
<td>None</td>
<td>Minimum Front Yard: 0 Feet Minimum Required Side Yard: 0 Feet Minimum Sum of Side Yards: 0 Feet Minimum Rear Yard: 0 Feet</td>
<td>A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of any lot in the R-1 or R-2 Zoning District.</td>
</tr>
<tr>
<td>Building Containing a mix of Permitted Nonresidential and Residential Primary Uses as listed in Article 62.337 TOD Site Appearance Standards</td>
<td>TOD Corridor</td>
<td>4.0</td>
<td>5%</td>
<td>60 feet Bonus: See 62.338, Subd. 4</td>
<td>None</td>
<td>Minimum Front Yard: 5 Feet Minimum Required Side Yard: 5 Feet Minimum Sum of Side Yards: 10 Feet Minimum Rear Yard: 5 Feet</td>
<td>A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of any lot in the R-1 or R-2 Zoning District.</td>
</tr>
</tbody>
</table>

### References
- Definition of Landscape Area & Section 63.130
- Definition of Height/Exceptions in Paragraph 60.424
- Paragraph 62.116 & Definitions of Lot, Site
- General Yard Requirements in Section 63.100
- Paragraph 63.110(1) & Definition of Front Yard
- Paragraph 63.110(3) & Definition of Side Yard
- Paragraph 63.110(2) & Definition of Rear Yard
62.337 TOD SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the TOD Zoning District.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
Stnd is the abbreviation for "Standards"

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 65.263</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>I</td>
<td>62.727(1) 62.266 (1) (3)</td>
<td>C R 12 T</td>
<td>VII</td>
<td>MINIMUM: 0.5 PER UNIT MAXIMUM: 1.5 PER UNIT</td>
</tr>
<tr>
<td>Semi-Transient Accommodations</td>
<td>I</td>
<td>62.727(1) 62.266 (1) (3)</td>
<td>C R 12 T</td>
<td>VII</td>
<td>MINIMUM: 0.5 PER UNIT MAXIMUM: 1 PER UNIT</td>
</tr>
<tr>
<td>Medical Stay Dwelling Unit</td>
<td>I</td>
<td>62.141 (11) 62.263 (6)</td>
<td>C R 12 T</td>
<td>VII</td>
<td>MINIMUM: 0.5 PER UNIT MAXIMUM: 1 PER UNIT</td>
</tr>
<tr>
<td>Congregate Housing</td>
<td>I</td>
<td>62.727(1) 62.266 (1) (3)</td>
<td>C R 12 T</td>
<td>VII</td>
<td>MINIMUM: 0.5 PER UNIT MAXIMUM: 1 PER UNIT</td>
</tr>
<tr>
<td>Transient Accommodations</td>
<td>I</td>
<td>D D 5 T,A</td>
<td>VIII</td>
<td>MINIMUM: 0.5 PER UNIT MAXIMUM: 1 PER UNIT</td>
<td></td>
</tr>
<tr>
<td>Offices</td>
<td>I</td>
<td>D C 5 T,A</td>
<td>VIII</td>
<td>MINIMUM: 1 PER 700 SQFT F.A. MAXIMUM: 1 PER 400 SQFT F.A.</td>
<td></td>
</tr>
<tr>
<td>Research and Testing</td>
<td>I</td>
<td>D C 5 T,A</td>
<td>VIII</td>
<td>MINIMUM: 1 PER 700 SQFT F.A. MAXIMUM: 1 PER 400 SQFT F.A.</td>
<td></td>
</tr>
<tr>
<td>Business Service</td>
<td>I</td>
<td>D C 5 T,A</td>
<td>VIII</td>
<td>MINIMUM: 1 PER 600 SQFT F.A. MAXIMUM: 1 PER 300 SQFT F.A.</td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>I</td>
<td>D C 5 T,A</td>
<td>VIII</td>
<td>MINIMUM: 1 PER 600 SQFT F.A. MAXIMUM: 1 PER 300 SQFT F.A.</td>
<td></td>
</tr>
<tr>
<td>Educational Services</td>
<td>I</td>
<td>D C 5 T,A</td>
<td>VIII</td>
<td>MINIMUM: 1 PER 5 STUDENTS PLUS 1 PER EMP. PRESENT DURING LARGEST CLASS ATTENDANCE PERIOD MAXIMUM: 1 PER 3 STUDENTS PLUS 1 PER EMP. PRESENT DURING LARGEST CLASS ATTENDANCE PERIOD</td>
<td></td>
</tr>
<tr>
<td>Membership Organizations</td>
<td>I</td>
<td>D C 5 T,A</td>
<td>IX</td>
<td>MINIMUM: 1 PER 6 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING MAXIMUM: 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING</td>
<td></td>
</tr>
</tbody>
</table>
**COMMENTARY:**
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**ABBREVIATIONS/SYMBOLS in the table:**

- Stnd is the abbreviation for "Standards"
- Primarily found in Par.
- To Determine Req. Buffer see 63.260
- Regulations for off-street parking in Section 63.400

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRIMARY REFERENCE</strong></td>
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<tr>
<td></td>
<td>62.111</td>
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<td>62.113</td>
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<th>PRIMARY REFERENCE</th>
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</tr>
</thead>
<tbody>
<tr>
<td>REQUIRED</td>
<td>OFF- STREET PARKING</td>
<td>SEE DEFINITION OF PARKING AND PARAGRAPH 62.121</td>
<td></td>
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<tr>
<td>APPEARANCE CONTROL STANDARDS</td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
<td>Sign Regulations</td>
<td>Landscape Material Point Base</td>
<td>Exterior Storage Regulations</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
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<th>Use Type</th>
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<td>Primarily found in Par. 65.263</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
<td>Section 63.240</td>
<td>Section 63.250</td>
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<table>
<thead>
<tr>
<th>USE</th>
<th>CATEGORY</th>
<th>PRIMARY REFERENCE</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
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<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
<th>PARAGRAPH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Care Facility</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VII</td>
<td>MINIMUM: 1 PER 2 EMP. ON LARGEST SHIFT MAXIMUM: 1 PER EMP. ON LARGEST SHIFT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Facilities</td>
<td>I</td>
<td>C</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VII</td>
<td>MINIMUM: 3 PER PRINCIPAL MEDICAL PROFESSIONAL MAXIMUM: 5 PER PRINCIPAL MEDICAL PROFESSIONAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender Transitional Housing - must meet standards of congregate housing, if single family detached structure, or multi-family housing, depending on structure</td>
<td>III, Phase I</td>
<td>62.381(1), 62.940-62.945</td>
<td>62.263(C)</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
<td>Section 63.240</td>
<td>Section 63.250</td>
<td>To Determine Req. Buffer see 63.260</td>
</tr>
<tr>
<td>Nursing &amp; Personal Care</td>
<td>I</td>
<td>C</td>
<td>A</td>
<td>12</td>
<td>T</td>
<td>VII</td>
<td>MINIMUM: 1 PER 2 EMP. ON LARGEST SHIFT PLUS 1 PER 10 BEDS MAXIMUM: 1 PER EMP. ON LARGEST SHIFT PLUS 1 PER 6 BEDS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary Service</td>
<td>I</td>
<td>62.383(C)</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T,A</td>
<td>VIII</td>
<td>MINIMUM: 1 PER PRINCIPAL MEDICAL PROFESSIONAL MAXIMUM: 3 PER PRINCIPAL MEDICAL PROFESSIONAL</td>
<td></td>
</tr>
<tr>
<td>Fast Food Restaurant</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T,A</td>
<td>IX</td>
<td>MINIMUM: 1 PER 8 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT MAXIMUM: 1 PER 3 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard Restaurant</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T,A</td>
<td>VIII</td>
<td>MINIMUM: 1 PER 8 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT MAXIMUM: 1 PER 3 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Trade</td>
<td>I</td>
<td>D</td>
<td>D</td>
<td>5</td>
<td>T,B</td>
<td>VIII</td>
<td>MINIMUM: 1 PER 600 SQFT F.A. MAXIMUM: 1 PER 300 SQFT F.A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communications</td>
<td>II</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T,A</td>
<td>VIII</td>
<td>MINIMUM: 1 PER 400 SQFT F.A. MAXIMUM: 1 PER 200 SQFT F.A.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Appearance Control Standards

<table>
<thead>
<tr>
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<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
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</tr>
</tbody>
</table>

**Notes:**
- Description of each Use category found in Section 62.140
- Regulations found in Sec. 63.210
- Primarily found in Par. 65.263

**Abbreviations/Symbols:**
- Stnd is the abbreviation for “Standards”
- SEE DEFINITION OF PARKING AND PARAGRAPH 63.321

**Required Off-Street Parking:**
- Regulations for off-street parking in Section 63.400

**Emergency Services**
- I
- 62.385
- E
- B
- 8.5
- T,A
- VIII
- To Determine Req. Buffer see 63.260
- Minimum: 1 PER 400 SOFT F.A.
- Maximum: 1 PER 100 SOFT F.A.
- Minimum: 1 PER 8 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING
- Maximum: 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING

**Parking Facility associated with a City-designated park and ride**
- I
- 62.385
- E
- B
- 8.5
- T,A
- VIII
- Minimum: 1 PER 400 SOFT F.A.
- Maximum: 1 PER 100 SOFT F.A.
- Minimum: 1 PER 8 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING
- Maximum: 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING

**Indoor Athletic Facility**
- I
- 62.385
- E
- D
- 5
- T,A
- VIII
- Minimum: 1 PER 400 SOFT F.A.
- Maximum: 1 PER 100 SOFT F.A.
- Minimum: 1 PER 8 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING
- Maximum: 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING

**Indoor Recreation**
- I
- 62.385
- E
- D
- 5
- T,A
- VIII
- Minimum: 1 PER 400 SOFT F.A.
- Maximum: 1 PER 100 SOFT F.A.
- Minimum: 1 PER 8 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING
- Maximum: 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING

**Drinking & Entertainment**
- I
- 62.385
- E
- D
- 5
- T,A
- VIII
- Minimum: 1 PER 400 SOFT F.A.
- Maximum: 1 PER 100 SOFT F.A.
- Minimum: 1 PER 8 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING
- Maximum: 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING

**Area Accessory Development**
- I
- 62.385
- E
- A
- 8.5
- T,A
- VIII
- Minimum: 30% OF REQUIREMENT IN 62.935
- Maximum: 62.936

**Drive-in Facility**
- Based on underlying use type
- 62.383(B)

**Stacking Requirements:**
- Financial Institutions: 8 INBOUND & 1 OUTBOUND SPACE/LANE
- Restaurants (Fast Food): Same As Financial Institutions
- Car Wash (Manual): 5 INBOUND & 2 OUTBOUND SPACES PER BAY
- Car Wash (Machine): 10 INBOUND & 1 OUTBOUND SPACE/BAY
- Other Uses: 3 INBOUND & 1 OUTBOUND SPACE PER SERVICE LANE
62.338 ADDITIONAL SITE DEVELOPMENT STANDARDS

Subd 1. Building Placement: At least 65 percent of the first floor of the front façade of each primary building shall be located not more than 10 feet from each front lot line. In cases where a recorded easement requires a larger set-back, at least 65 percent of the first floor of the front façade of each primary building shall be located no further than the minimum distance required by the recorded easement.

Subd. 2. Building Design
A. The maximum building length shall be 150 feet.
B. Setback areas between a public or private street (excluding alleys) and the structure shall be occupied with pedestrian oriented space as defined in Article 63.275.
C. Each street-facing facade of a building with a horizontal length greater than 60 feet shall incorporate architectural features that visually interrupt the wall plane to reduce the perceived massing and scale of the building and provide a better pedestrian experience. Street-facing building facades with a horizontal length between 60 and 89 feet shall incorporate at least one of the following elements; street-facing building facades between 90 and 119 feet in horizontal length shall incorporate at least two of the following elements; and street-facing building facades over 120 feet must incorporate at least three of the following elements. Required architectural elements shall be spaced no more than 60 feet apart. Buildings may choose to use a single element more than once, or may choose to use different elements listed below to meet this requirement. Acceptable architectural elements for meeting this standard include:
1. Differences in roof form (e.g. flat or sloped);
2. A change in parapet height of at least 2 vertical feet;
3. Horizontally oriented recesses into the building façade plane at least 8 inches deep and at least 8 inches wide (this element may be installed along the entire building façade, but if so installed shall only count as one of the required elements on any street-facing building façade longer than 60 feet);
4. Horizontally oriented projections at least 8 inches in vertical height extending at least 8 inches outward from the building façade plane; and extending along at least 30 horizontal feet of the building façade (this element may be installed along the entire building façade, but if so installed shall only count as one of the required elements on any street-facing building façade longer than 60 feet);
5. Pilasters extending outward at least 8 inches from the building façade plane and at least 8 inches wide, that have a height equal to at least 80 percent of the building façade height;
6. Vertically oriented recesses extending at least 8 inches into the building façade plane, and at least 8 inches wide, that have a height equal to at least 80 percent of the facade height;
7. Visually significant changes in texture and/or color of wall surfaces, as determined by the Director;
8. Ground level arcades or awnings extending for a horizontal distance of at least 20 feet;
9. Second floor balconies on at least 50 percent of the residential units on the building façade;
10. Cornices at least 8 inches in vertical height extending at least 8 inches outward from the building façade and extending along at least 30 horizontal feet of the building façade (this element may be installed along the entire building façade, but if so installed shall only...
count as one of the required elements on any street-facing building façade longer than 60 feet); or

11. Pedestrian entries designed so that the doors are recessed at least 2 feet from the building façade or project at least 2 feet outward from the building facade.

Subd. 3. Minimum Building Height

A. In TOD Nodes, portions of new primary structures located within 100 feet of N. and S. Broadway Ave., 2nd St SW, and 4th St SE/Collegeview Rd. shall be a minimum of 40 feet in height above grade.

B. In TOD Corridors, portions of new primary structures located within 100 feet of N. and S. Broadway Ave, 2nd St SW, and 4th St SE shall be a minimum of 25 feet in height.

C. In TOD Nodes and TOD Corridors, the required minimum building height shall contain at least two floors of space designed and constructed for human occupancy, with the second floor having a gross floor area at least 50 percent as large as the gross floor area of the ground floor.

Subd. 4. Bonus Building Height:

A. Notwithstanding the maximum building height listed in Table 62.336 TOD General Zoning District Regulations, projects located in those areas indicated as Height Bonus Available on the TOD District Map may exceed the maximum building height listed in Table 62.XXX TOD General Zoning District Regulations as shown in the following table, except as stated in subsections 4.B and 4.C below.

<table>
<thead>
<tr>
<th>Element provided</th>
<th>Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 20% of the gross floor area is</td>
<td>12 additional feet in height</td>
</tr>
<tr>
<td>residential</td>
<td></td>
</tr>
<tr>
<td>At least 30% of the gross floor area is</td>
<td>16 additional feet in height</td>
</tr>
<tr>
<td>residential</td>
<td></td>
</tr>
<tr>
<td>At least 40% of the gross floor area is</td>
<td>22 additional feet in height</td>
</tr>
<tr>
<td>residential</td>
<td></td>
</tr>
</tbody>
</table>

B. No height bonus may result in a maximum building height exceeding 90 feet.

C. No height bonus may result in a building located in a neighborhood protection area (as defined in Subd. 13 below) exceeding the maximum building height permitted by Subd. 13.

Subd. 5. Building Entrances

A. Each primary structure shall have at least one pedestrian entrance on each façade facing a public right-of-way. If the lot has frontage on those portions of N. and S. Broadway, 2nd St SW, or 4th St SE/Collegeview Rd., the required entrance shall face those streets. If the lot does not have frontage on Broadway, 2nd St. SW, or 4th St. SE/Collegeview Dr. E, the pedestrian entrance shall face the front lot line.

B. If there are multiple ground-floor tenant spaces facing a public right-of-way, each ground floor tenant space with 25 feet of frontage or more shall have at least one pedestrian entrance facing that public right-of-way. As an exception to this standard, a maximum of two abutting ground floor tenants may share a single pedestrian entrance facing that public right-of-way.

C. Each required pedestrian entrance shall open directly to the outside and have direct access to the adjacent sidewalk without requiring pedestrians to pass through a garage, parking lot,
or a non-pedestrian area located between the pedestrian entrance and the street or right-of-way.

Subd. 6. Windows:
A. Each façade of a primary building facing a public right-of-way shall have transparent windows or other transparent glazed area covering:
   1) 65 percent or more of the ground floor façade area, as measured between three and eight feet above sidewalk grade; and
   2) 30 percent or more of each floor level of the façade above the ground floor, as measured between three and eight feet above each floor level.
B. Required ground floor window or glazed areas shall have a visible light transmittance ratio of 0.6 or higher, and shall not include reflective or heavily tinted windows.

Subd. 7. Access and Connectivity
a. Sidewalks, Pedestrian Circulation, and Vehicular Connectivity
   1) Each application for development of a new primary structure in a TOD Node shall submit a Site Plan illustrating the proposed internal vehicular, bicycle, and pedestrian circulation systems (“circulation systems”) and demonstrating that:
      a. If an approved Small Area Plan or General Development Plan includes the property, the circulation system is consistent with that shown on the Small Area Plan or General Development Plan; or
      b. If there is no approved Small Area Plan or General Development Plan that includes the property, the circulation system allows vehicular, bicycle, and pedestrian cross-access between the circulation systems of the proposed development and the circulation systems of existing or allowable future development on adjoining lots to the maximum extent practicable.
   2) Sidewalks shall be provided on both sides of the street, and shall comply with the following standards:
      a. On property fronting N. or S. Broadway, SW. 2nd. St, or SE. 4th St./Collegeview Dr., sidewalks shall be a minimum of 10 feet in width, and a planting strip at least five feet in width shall be located between the sidewalk and the street.
      b. On property fronting any street other than N. or S. Broadway, SW. 2nd St., or SE. 4th St./Collegeview Rd., sidewalks shall be a minimum of 7 feet in width, and a planting strip at least 5 feet in width shall be located between the sidewalk and the street.
      c. At least one walkway shall be provided from an adjacent sidewalk to each building entrance.
      d. Where a sidewalk, trail, or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.
   3) Where a lot or development site includes more than one principal structure, a pedestrian walkway at least 5 feet in width shall be provided between at least one pedestrian entrance in each principal structure.

Subd. 8. Parking Design Standards
A. In addition to the parking standards in Article 63.400, Off-Street Parking and Loading Regulations, parking facilities in the TOD District shall comply with the following requirements:
   (1) Surface Parking
a. No primary use surface parking lot unrelated to a park and ride location designated by the City shall be located within the TOD District.

b. Primary use surface parking lots in park and ride locations designated by the City, and required or permitted accessory parking lots shall comply with the following standards:
   1. No portion of the parking lot shall be located within 20 feet of any lot line facing a public or private street (not including alleys), or closer to any public or private street (not including alleys) than the façade of a primary structure, whichever requires the greater distance from the front lot line.
   2. The area between each edge of the parking lot facing a public or private street and that street shall be occupied by a pedestrian gathering space with seating, a bicycle parking area, or a landscaped buffer at least 6 feet in width.
   3. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and that are visually separated from other parking modules by buildings or landscaped areas.
   4. Surface parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas. The pedestrian routes shall be designed and located to minimize the pedestrian routes interface with traffic circulation routes, and to provide pedestrian walkways with direct pedestrian and ADA access to the primary building entrance(s).

(2) Parking Garage
   No primary use parking garage unrelated to a park and ride location shall be located within the TOD District. In park and ride locations designated by the City:
   a) The street-facing façade of the parking garage shall have a minimum floor-to-ceiling height of 13 feet for a depth of at least 30 feet from the street to allow for conversion to a non-parking use in the future.
   b) The façade of a parking structure facing a street shall comply with the Parking Structure/New Building Appearance Guidelines in Section 63.427 Subd. 12. H.

Subd. 9. Bicycle Parking
Bicycle parking shall be provided at a rate of 1 per 5 required automobile parking spaces, up to 10 bicycle spaces, and then at a rate of 1 per 20 automobile parking spaces, with a minimum of 5 bicycle parking spaces.

Subd. 10. Pedestrian and Site Design Standards
A. All developments in the TOD District shall comply with the Pedestrian and Site Design Standards in Sections 63.270 through 63.275 of this Land Development Manual with the exception of the following specific standards:
   (1) 63.272, Subdivisions 2 and 3;
   (2) 63.273, Subdivisions 3 and 5; and
   (3) 63.274, Subdivision 4.
B. Where the standards of the TOD District are in conflict with the Pedestrian and Site Design Standards, the provisions of this TOD District shall govern.

Subd. 11. Consolidation or Subdivision of Existing Lots: No consolidation of two or more lots existing on the effective date of this section into a parcel of one acre or larger shall be approved, and no subdivision of lots existing on the effective date of this section shall be approved, unless the applicant has submitted a General Development Plan demonstrating that a high level of pedestrian, bicycle, and motor vehicle connectivity will be maintained through the consolidated or subdivided parcel or parcels, and the City has approved that plan as consistent with the goals of the comprehensive plan and with any other approved connectivity plans for abutting or nearby properties.
Subd. 12. Neighborhood Protection Standards

A. Applicability

These neighborhood protection standards apply to those portions of all properties that are:

(1) Located (a) within a TOD Corridor district and (b) further than 250 feet from the nearest right-of-way line of N. or S. Broadway, SW. 2nd St., or SE. 4th St./Collegeview Rd., and (c) abutting R-1, R1x, R2 or R2x zoned property; or

(2) Located within a TOD Node district and within 100 feet of R-1, R-1x, R-2, or R2x zoned property.

B. Standards

(1) Height

No primary or accessory building shall exceed a maximum height of 45 feet. Buildings taller than 35 feet require that the top floor be set back at least 10 feet on all sides of the structure if the structure is abutting an R1, R1x, R2, or R2x district. Corner lots are exempt from the top floor set back on the sides of the building with street frontage.

(2) Landscaping

The property line(s) adjacent to the R-1, R-1x, R-2 or R2x zoned property shall include a bufferyard at least equal in design, opacity, and buffering capacity to a Bufferyard Class “F” as regulated in Article 63.265, Definition of Bufferyard Options.

(3) Parking

No drive-through lane shall be located between a primary structure and a property line abutting or across a public right-of-way from a lot containing a single- or two-family dwelling.

(4) Lighting

The maximum height of any light pole or lighting installed on any primary or accessory structure shall not exceed 15 feet.
62.340 M-1 MIXED COMMERCIAL-INDUSTRIAL DISTRICT
This article lists the standards applicable to uses allowed in the M-1, Mixed Commercial-Industrial District.

62.341 M-1 GENERAL ZONING DISTRICT STANDARDS
The following table identifies the general zoning district standards applying to uses in the M-1 Zoning District

<table>
<thead>
<tr>
<th>Maximum Floor Area Ratio:</th>
<th>Minimum Setbacks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I Development: 0.50</td>
<td>Required Front Yard: 25 Feet</td>
</tr>
<tr>
<td>Under Incentive Development Provisions of 62.600: 4.00</td>
<td>Minimum Required Side Yard: 0 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Sum of Side Yards: 0 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Rear Yard: 10 Feet</td>
</tr>
<tr>
<td>Minimum Percentage of Landscape Area: 8%</td>
<td></td>
</tr>
<tr>
<td>Maximum Permitted Height:</td>
<td>Transitional Front Yards:</td>
</tr>
<tr>
<td>50' within 200 feet of Residential District; Elsewhere – No Limit</td>
<td>A front yard or side street yard equal in width to the front yard</td>
</tr>
<tr>
<td>Exceptions to Height Regulation Found in Par. 60.424 Subd. 6 (A)</td>
<td>required in the adjacent residential zoning district shall be provided on</td>
</tr>
<tr>
<td>Permitted Design Modification found in Par. 60.424 Subd. 6</td>
<td>any transitional lot.</td>
</tr>
<tr>
<td>Minimum Lot Size: None</td>
<td>Pedestrian and Site Design Standards:</td>
</tr>
<tr>
<td>Minimum Width at Building Line: None</td>
<td>Development is subject to Sections 63.273 and 63.274 of this</td>
</tr>
<tr>
<td></td>
<td>Ordinance as specified.</td>
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<td></td>
<td>Night Operation:</td>
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<td></td>
<td>Buildings customarily used for night operations, such as bakeries or</td>
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<td></td>
<td>milk bottling, shall not have any openings other than stationary</td>
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<tr>
<td></td>
<td>windows or required fire exits within 200’ of an R-district.</td>
</tr>
</tbody>
</table>
# M-1 Site Appearance Standards

The standards in this table identify the site appearance standards applying to uses in the M-1 Zoning District.

## Commentary

The row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.

The row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

### Abbreviations/Symbols in the Table:

- **Stnd** is the abbreviation for "Standards"
- **%** is the symbol for "Percentage"
- **BDR.** stands for "Bedroom"
- **EMP.** stands for "Employee"
- **F.A.** stands for "Floor Area"
- **SQFT** stands for "Square Feet"

## Site Appearance Standards

### Table:

<table>
<thead>
<tr>
<th>Category of Standards</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>Appearance Control Standards</th>
<th>Required Off-Street Parking</th>
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<tbody>
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<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
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<td></td>
<td>Sign Regulations</td>
</tr>
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<td>Landscape Material Point</td>
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<td></td>
<td>Base</td>
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<td></td>
<td></td>
<td>Exterior Storage Regulations</td>
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<td></td>
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<td>Site Location Requirement</td>
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<td></td>
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<td>Bufferyard Indicator</td>
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<tr>
<td>Offices</td>
<td>I</td>
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<td>C</td>
<td>5</td>
<td>T</td>
</tr>
<tr>
<td>Transient Accommodations</td>
<td>I</td>
<td>D</td>
<td>D</td>
<td>5</td>
<td>T</td>
</tr>
<tr>
<td>Business Service</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T</td>
</tr>
<tr>
<td>Repair &amp; Maintenance</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T, A</td>
</tr>
<tr>
<td>Educational Services</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T</td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>II</td>
<td>D</td>
<td>D</td>
<td>5</td>
<td>T</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T</td>
</tr>
<tr>
<td>Membership Org.</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T</td>
</tr>
<tr>
<td>Veterinary Service</td>
<td>I</td>
<td>62.383(C)</td>
<td>D</td>
<td>C</td>
<td>5</td>
</tr>
<tr>
<td>Auto Maintenance Services</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T, S, 70%</td>
</tr>
<tr>
<td>Automotive Repair Services</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T, S, 70%</td>
</tr>
<tr>
<td>Auto Center</td>
<td>I</td>
<td>62.383(A)</td>
<td>D</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Car Washes</td>
<td>I</td>
<td>62.383(A) (B)</td>
<td>D</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Fast Food Restaurant</td>
<td>I</td>
<td>D</td>
<td>D</td>
<td>5</td>
<td>T</td>
</tr>
<tr>
<td>Standard Restaurant</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T</td>
</tr>
<tr>
<td>Offender Transitional Housing - must meet standards of transient accommodations</td>
<td>III, Phase I</td>
<td>62.381(1), 62.940-62.945</td>
<td>62.263(2)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 62.342 M-1 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the M-1 Zoning District.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
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3) BDR. Stands for “Bedroom”
4) EMP. stands for “Employee”
5) F.A. stands for “Floor Area”
6) SQFT stands for “Square Feet”

#### CATEGORY OF STANDARDS

<table>
<thead>
<tr>
<th>PRIMARY REFERENCE</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARAGRAPH 62.111</td>
<td></td>
<td></td>
<td></td>
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<td>PARAGRAPH 62.112</td>
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<td>PARAGRAPH 62.113</td>
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<tr>
<td>PARAGRAPH 62.131</td>
<td></td>
<td></td>
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<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
<tr>
<td>PARAGRAPH 62.144</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>62.980</td>
<td>62.990</td>
</tr>
</tbody>
</table>

**NOTES**

Description of each Use category found in Section 62.140

**Transportation Services**
| I | D | C | 5 | T,S,90% | VI |

**Retail Trade**
| I | D | D | 5 | T,B | VII |

**Furniture & Appliance Sales**
| I | D | D | 5 | T,B | VII |

**Business Centers**
| I | D | 63.217 | 5 | T,B | VII |

**Garden Center**
| I | 7AM-9PM | B | C | T, B, S 80 % | VII |

**Sales and Storage Lots**
| I | D | D | 5 | T,V,S,90% | VII |

**Convenience Retail**
| I | 62.383(A) | D | D | 5 | T,B | E | VII |

**Wholesaling**
| I | D | D | 5 | T,A | E | VII |

**Local Transit**
| I | E | C | NA | T,S,90% | E | VII |

**Motor Freight /Warehousing**
| I | E | D | 5 | T,S,90% | E | VIII |

**Communications**
| I | D | C | 5 | T | VI |

**Emergency Services**
| I | D | C | 5 | T,A | E | VI |

**Private Air Transportation**
| III | 62.383(3) | E | C | NA | T,S,80% | E | X |

**Public Air Transportation**
| I | 62.383(3) | E | C | NA | T,S,80% | E | X |

**Parking Facility**
| I | 62.385 | D | B | 5 | |

**Light Industrial**
| I | D | C | 5 | T,A | VIII |

**SEE DEFINITION OF PARKING AND PARAGRAPH 63.141**
### 62.342 M-1 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the M-1 Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>LIST OF PERMITTED USES</th>
<th>USE TYPE</th>
<th>APPROPRIATE DETAILED REGULATIONS</th>
<th>ADDITIONAL REGULATIONS</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PRIMARY REFERENCE</td>
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<td></td>
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<tr>
<td>NOTES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Non-Production Industrial**
  - Required: E
  - Default: D
  - Min: 5
  - Type: T, S, 70%
  - Notes: See wholesaling requirements

- **Research & Testing**
  - Required: E
  - Default: D
  - Min: 5
  - Type: T, S, 40%

- **Trade Shops**
  - Required: E
  - Default: D
  - Min: 5
  - Type: T, S, 70%

- **Outdoor Recreation Facility**
  - Required: E
  - Default: D
  - Min: 5
  - Type: T

- **Indoor Athletic Facility**
  - Required: E
  - Default: D
  - Min: 5

- **Bowling Alleys**
  - Required: E
  - Default: D
  - Min: 5

- **Outdoor Entertainment**
  - Required: E
  - Default: D
  - Min: 5

- **Drinking & Entertainment**
  - Required: E
  - Default: D
  - Min: 5

- **Adult Establishment**
  - Required: E
  - Default: D
  - Min: 5

- **Agricultural Production**
  - Required: E
  - Default: D
  - Min: 5

- **Self Service Storage Facility**
  - Required: E
  - Default: D
  - Min: 5

**COMMENTARY:**
- The row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
1) Stnd is the abbreviation for "Standards"
2) % is the symbol for "Percentage"
3) BDR. stands for "Bedroom"
4) EMP. stands for "Employee"
5) F.A. stands for "Floor Area"
6) SQFT stands for "Square Feet"
### 62.342 M-1 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the M-1 Zoning District.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

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<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>USE OF PERMITTED USES</th>
<th>APPEARANCE CONTROL STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>HOURS OF OPERATION</td>
</tr>
<tr>
<td></td>
<td></td>
<td>REQUIRED OFF-STREET PARKING</td>
</tr>
</tbody>
</table>

**NOTES**
Description of each Use category found in Section 62.140
Regulations found in Section 62.380
Primarily found in Par. 62.266

<table>
<thead>
<tr>
<th>PRIMARY REFERENCE</th>
<th>PARAGRAPH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Services</td>
<td>I</td>
</tr>
<tr>
<td>Agricultural Support</td>
<td>I</td>
</tr>
<tr>
<td>Retail Agricultural</td>
<td>I</td>
</tr>
<tr>
<td>Area Accessory Dvlpmnt</td>
<td>I</td>
</tr>
<tr>
<td>Substantial Land Alteration I, Phase II</td>
<td></td>
</tr>
<tr>
<td>Quarry   III, Phase II</td>
<td></td>
</tr>
<tr>
<td>Sand or Gravel Excavation III, Phase II</td>
<td></td>
</tr>
<tr>
<td>Advertising Signs I 63.224 Subd. 1(E) 65.510</td>
<td></td>
</tr>
<tr>
<td>Indoor Gun Range II 62.1200 7AM – 10PM</td>
<td></td>
</tr>
<tr>
<td>Drive-In Facilities Based on underlying use type 62.383(B)</td>
<td></td>
</tr>
</tbody>
</table>

**REQUIRED OFF-STREET PARKING**
SEE DEFINITION OF PARKING AND PARAGRAPH 62.121

- Agricultural Services: 1 PER EMP. ON LARGEST SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE
- Agricultural Support: SAME AS AGRICULTURAL SERVICES
- Retail Agricultural: SAME AS AGRICULTURAL SERVICES
- Area Accessory Dvlpmnt: SEE PAR. 62.935
- Substantial Land Alteration: 1 PER EMPLOYEE ON LARGEST SHIFT
- Quarry: 1 PER EMPLOYEE ON LARGEST SHIFT
- Sand or Gravel Excavation: 1 PER EMPLOYEE ON LARGEST SHIFT
- Advertising Signs: 1 PER 3 PERSONS BASED ON MAXIMUM CAPACITY OF BLDG
- Indoor Gun Range: 1 PER 3 PERSONS BASED ON MAXIMUM CAPACITY OF BLDG
### 62.350 M-2 INDUSTRIAL DISTRICT
This article lists the standards applicable to uses allowed in the M-1, Mixed Commercial-Industrial District.

### 62.351 M-2 GENERAL ZONING DISTRICT STANDARDS
The following table identifies the general zoning district standards applying to uses in the M-2 Zoning District

<table>
<thead>
<tr>
<th>Maximum Floor Area Ratio:</th>
<th>Minimum Setbacks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I Development: 1.00</td>
<td>Required Front Yard: 25 Feet</td>
</tr>
<tr>
<td>Under Incentive Development Provisions of 62.600: 3.00</td>
<td>Minimum Required Side Yard: 0 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Rear Yard: 0 Feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Percentage of Landscape Area: 5%</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Maximum Permitted Height:</th>
</tr>
</thead>
<tbody>
<tr>
<td>50’ within 200 feet of Residential District; Elsewhere – No Limit</td>
</tr>
<tr>
<td>Exceptions to Height Regulation Found in Par. 60.424 Subd. 6 (A)</td>
</tr>
<tr>
<td>Permitted Design Modification found in Par. 60.424 Subd. 6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transitional Yards:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning district shall be provided on any transitional lot.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Lot Size: None</th>
</tr>
</thead>
</table>

| Minimum Width at Building Line: None |
62.352 M-2 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the M-2 Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
<tr>
<td>PRIMARY REFERENCE</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.266</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
</tr>
<tr>
<td>Offices</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI</td>
</tr>
<tr>
<td>Business Service</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI</td>
</tr>
<tr>
<td>Repair &amp; Maintenance</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI</td>
</tr>
<tr>
<td>Educational Services</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI</td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>II</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>K</td>
</tr>
<tr>
<td>Membership Org.</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VII</td>
</tr>
<tr>
<td>Veterinary Service</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VI</td>
</tr>
<tr>
<td>Auto Maintenance Services</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,S,90%</td>
<td>VII</td>
</tr>
<tr>
<td>Automotive Repair Services</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,S,90%</td>
<td>VIII</td>
</tr>
<tr>
<td>Auto Center</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,S,90%</td>
<td>VII</td>
</tr>
<tr>
<td>Car Washes</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,S,90%</td>
<td>VII</td>
</tr>
<tr>
<td>Fast Food Restaurant</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>E</td>
</tr>
<tr>
<td>Standard Restaurant</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T</td>
<td>VII</td>
</tr>
<tr>
<td>Transportation Services</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T,S,90%</td>
<td>VI</td>
</tr>
</tbody>
</table>

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30) SQFT stands for "Square Feet"
# 62.352 M-2 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the M-2 Zoning District.

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5) F.A. stands for “Floor Area”
6) SQFT stands for “Square Feet”

**CATEGORY OF STANDARDS**

<table>
<thead>
<tr>
<th>Use</th>
<th>Description of each Use category found in Section 62.140</th>
<th>Regulations found in Section 62.380</th>
<th>Primarily found in Par. 62.266</th>
<th>Regulations found in Sec. 63.210</th>
<th>Section 63.220</th>
<th>Section 63.230</th>
<th>Section 63.240</th>
<th>Section 63.250</th>
<th>To Determine Req. Buffer see 63.260</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholesaling</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,A</td>
<td>E</td>
<td>VII</td>
<td>1 PER 2 EMP. ON LARGEST WORK SHIFT OR 1200 SQFT F.A. WHICHEVER IS GREATER PLUS 1 FOR EACH COMPANY VEHICLE NORMALLY STORED OR PARKED ON THE SITE</td>
<td></td>
</tr>
<tr>
<td>Railroad Transportation</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>NA</td>
<td>T,S,90%</td>
<td>E</td>
<td>X</td>
<td>1 PER 2 EMP. ON LARGEST SHIFT</td>
<td></td>
</tr>
<tr>
<td>Local Transit</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,S,90%</td>
<td>E</td>
<td>VII</td>
<td>SEE WHOLESALING REQUIREMENTS</td>
<td></td>
</tr>
<tr>
<td>Motor Freight/Warehousing</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,S,90%</td>
<td>E</td>
<td>VIII</td>
<td>SEE WHOLESALING REQUIREMENTS</td>
<td></td>
</tr>
<tr>
<td>Communications</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T</td>
<td>VI</td>
<td>VI</td>
<td>1 PER 200 SQFT F.A.</td>
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<tr>
<td>Emergency Services</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T</td>
<td>E</td>
<td>VI</td>
<td>1 PER EMP. LARGEST SHIFT</td>
<td></td>
</tr>
<tr>
<td>Private Air Transportation</td>
<td>III</td>
<td>62.383(F)</td>
<td>E</td>
<td>D</td>
<td>NA</td>
<td>T,S,90%</td>
<td>X</td>
<td>PRIVATE USE: NONE</td>
<td></td>
</tr>
<tr>
<td>Public Air Transportation</td>
<td>I</td>
<td>62.383(F)</td>
<td>E</td>
<td>D</td>
<td>NA</td>
<td>T,S,90%</td>
<td>X</td>
<td>PRIVATE USE: NONE</td>
<td></td>
</tr>
<tr>
<td>Parking Facility</td>
<td>I</td>
<td>62.385</td>
<td>E</td>
<td>B</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td>FOR A STRUCTURE: VIII FOR A LOT: VII</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,S,90%</td>
<td>E</td>
<td>XI</td>
<td>SEE WHOLESALING REQUIREMENTS</td>
<td></td>
</tr>
<tr>
<td>Light Industrial</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,S,90%</td>
<td>X</td>
<td>SEE WHOLESALING REQUIREMENTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Production Industrial</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
<td>T,S,90%</td>
<td>VIII</td>
<td>1 PER EMPLOYEE ON LARGEST SHIFT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substantial Land Alteration</td>
<td>III, Phase II</td>
<td>62.384(A)</td>
<td>5AM-11PM</td>
<td>E</td>
<td>D</td>
<td>NA</td>
<td>T,S,90%</td>
<td>E,F</td>
<td>X</td>
</tr>
<tr>
<td>Quarry</td>
<td>III, Phase II</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand or Gravel Excavation</td>
<td>III, Phase II</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Junkyards</td>
<td>III</td>
<td>62.384</td>
<td>5AM-11PM</td>
<td>E</td>
<td>D</td>
<td>NA</td>
<td>T,S,90%</td>
<td>E,F</td>
<td>X</td>
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</tbody>
</table>

**APPEARANCE CONTROL STANDARDS**

<table>
<thead>
<tr>
<th>Category</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUIRED OFF-STREET PARKING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.266</td>
<td>Section 63.210</td>
</tr>
<tr>
<td>Wholesaling</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Railroad Transportation</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>NA</td>
</tr>
<tr>
<td>Local Transit</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Motor Freight/Warehousing</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Communications</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Emergency Services</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Private Air Transportation</td>
<td>III</td>
<td>62.383(F)</td>
<td>E</td>
<td>D</td>
</tr>
<tr>
<td>Public Air Transportation</td>
<td>I</td>
<td>62.383(F)</td>
<td>E</td>
<td>D</td>
</tr>
<tr>
<td>Parking Facility</td>
<td>I</td>
<td>62.385</td>
<td>E</td>
<td>B</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Non-Production Industrial</td>
<td>I</td>
<td>E</td>
<td>D</td>
<td>5</td>
</tr>
<tr>
<td>Substantial Land Alteration</td>
<td>III, Phase II</td>
<td>62.384(A)</td>
<td>5AM-11PM</td>
<td>E</td>
</tr>
</tbody>
</table>
62.352  M-2 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the M-2 Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
<tr>
<td>PRIMARY REFERENCE</td>
<td>DESCRIPTION OF EACH USE CATEGORY FOUND IN SECTION 62.140</td>
<td>REGULATIONS FOUND IN PAR. 62.266</td>
<td>SECTION 63.210</td>
<td>SECTION 63.220</td>
<td>SECTION 63.230</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Research &amp; Testing I</td>
<td>E D 5 T.S.70%</td>
<td>VII</td>
<td>SEE WHOLESALING REQUIREMENTS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Trade Shops I</td>
<td>E D 5 T.S.90%</td>
<td>VIII</td>
<td>1 PER EMP. ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restricted Recreation III 62.386(2) 6AM-11PM</td>
<td>E D NA T J XI</td>
<td>1 PER EVERY 3 PATRONS EXPECTED AT PEAK USAGE TIME</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Indoor Athletic Facility I 62.383(E)</td>
<td>E C 5 T</td>
<td>VI</td>
<td>1 PER 100 SQFT F.A.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Outdoor Entertainment III 62.383</td>
<td>E D NA T E VIII</td>
<td>1 PER 4 PATRONS AT EXPECTED MAXIMUM CAPACITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultural Production I 62.264(1)</td>
<td>E D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Animal Husbandry I 62.264</td>
<td>E C NA T.S.70%</td>
<td>VI</td>
<td>1 PER EMP. ON LARGEST SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultural Services I 62.264</td>
<td>E D 5 T.S.90%</td>
<td>VII</td>
<td>SAME AS FOR ANIMAL HUSBANDRY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultural Support I 62.264</td>
<td>E D 5 T.S.90%</td>
<td>VII</td>
<td>SAME AS FOR ANIMAL HUSBANDRY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Retail Agricultural I 62.264</td>
<td>E D NA T.S.90%</td>
<td>VI</td>
<td>SAME AS FOR ANIMAL HUSBANDRY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Area Accessory Dvlpmnt I 62.930 62.933</td>
<td>E C 5 T 62.936 VI</td>
<td>SEE PAR. 62.935</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Advertising Signs I 62.224 Subd. 65.510</td>
<td>E D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Indoor Gun Range III 62.1200 7AM-10PM</td>
<td>E D 5 T</td>
<td>VII</td>
<td>1 PER 3 PERSONS BASED ON MAXIMUM CAPACITY OF BLDG</td>
<td></td>
</tr>
</tbody>
</table>
|                        | Drive-In Facilities Based on underlying use type | 62.383(B) | APPEARANCE CONTROLS FOR DRIVE-IN USES CONTROLLED BY UNDERLYING USE TYPE | STACKING REQUIREMENTS: FINANCIAL INSTITUTIONS: 8 INBOUND & 1 OUTBOUND SPACE/LANE RESTAURANTS (FAST FOOD): SAME AS FINANCIAL INSTITUTIONS CAR WASH (MANUAL): 5 INBOUND & 2 OUTBOUND SPACES PER BAY CAR WASH (MACHINE): 10 INBOUND & 1 OUTBOUND SPACE/BAY OTHER USES: 3 INBOUND & 1 OUTBOUND SPACE PER SERVICE LANE
### 62.3550 M-3 LOW INTENSITY MIXED COMMERCIAL-INDUSTRIAL DISTRICT
This article lists the standards applicable to uses allowed in the M-3, Low Intensity Mixed Commercial-Industrial District.

### 62.3551 M-3 GENERAL ZONING DISTRICT STANDARDS
The following table identifies the general zoning district standards applying to uses in the M-3 Zoning District.

<table>
<thead>
<tr>
<th>Maximum Floor Area Ratio:</th>
<th>Minimum Setbacks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I Development: 0.50</td>
<td>Required Front Yard: 25 Feet</td>
</tr>
<tr>
<td>Under Incentive Development Provisions of 62.600: 2.00</td>
<td>Minimum Required Side Yard: 0 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Sum of Side Yards: 0 Feet</td>
</tr>
<tr>
<td></td>
<td>Minimum Rear Yard: 10 Feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Percentage of Landscape Area: 15% (business park); 10% (individual use)</th>
<th>NOTE: Rear Yard may be reduced to 0 feet when abutting a railroad</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Maximum Permitted Height:</th>
<th>Transitional Front Yards:</th>
</tr>
</thead>
<tbody>
<tr>
<td>29’ within 200 feet of Residential District; Elsewhere – No Limit</td>
<td>A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning district shall be provided on any transitional lot.</td>
</tr>
<tr>
<td>Exceptions to Height Regulation Found in Par. 60.424 Subd. 6 (A)</td>
<td></td>
</tr>
<tr>
<td>Permitted Design Modification found in Par. 60.424 Subd. 6</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Lot Size: None</th>
<th>Night Operation:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Buildings customarily used for night operations, such as bakeries or milk bottling, shall not have any openings other than stationary windows or required fire exits within 200’ of an R-district.</td>
</tr>
</tbody>
</table>
# 62.3552 M-3 LOW SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the M-3 Zoning District.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS** in the table:
1. “Stnd” is the abbreviation for “Standards”
2. “%” is the symbol for “Percentage”
3. “BDR” stands for “Bedroom”
4. “EMP.” stands for “Employee”
5. “F.A.” stands for “Floor Area”
6. “SQFT” stands for “Square Feet”

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Definition of Parking and Paragraph 62.121</td>
</tr>
<tr>
<td></td>
<td>62.111</td>
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<td>62.112</td>
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<td>62.113</td>
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</tr>
<tr>
<td>NOTES</td>
<td></td>
<td></td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Par. 62.380</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| | | | | | | |
| | | | | | | |

- **Offices**
  - I
  - If adjacent to a residential zoning district
  - D
  - In all other locations
  - Lights with no cut off not permitted.
  - C
  - 5
  - T
  - VI
  - 1 PER 400 SQFT F.A.

- **Business Park**
  - I
  - If adjacent to a residential zoning district
  - D
  - In all other locations
  - Lights with no cut off not permitted.
  - 1 PER 400 SQFT F.A.

- **Business Service**
  - I
  - If adjacent to a residential zoning district
  - D
  - In all other locations
  - Lights with no cut off not permitted.
  - C
  - 5
  - T
  - VI
  - 1 PER 200 SQFT F.A.

- **Repair & Maintenance**
  - I
  - If adjacent to a residential zoning district
  - D
  - In all other locations
  - Lights with no cut off not permitted.
  - C
  - 5
  - T,A
  - VI
  - 1 PER 300 SQFT F.A.

- **Educational Services**
  - I
  - If adjacent to a residential zoning district
  - D
  - In all other locations
  - Lights with no cut off not permitted.
  - C
  - 5
  - T
  - VI
  - 1 PER 3 STUDENTS PLUS 1 PER EMP. PRESENT DURING LARGEST CLASS ATTENDANCE PERIOD

- **Day Care Facility**
  - II
  - If adjacent to a residential zoning district
  - D
  - In all other locations
  - Lights with no cut off not permitted.
  - D
  - 5
  - T
  - K
  - VI
  - 1 PER EMP. ON LARGEST SHIFT

- **Funeral Homes**
  - I
  - If adjacent to a residential zoning district
  - D
  - In all other locations
  - Lights with no cut off not permitted.
  - C
  - 5
  - T
  - VI
  - 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING
### 62.3552M-3 LOW SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the M-3 Zoning District.

**COMMENTARY:**
- The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
1. Stnd is the abbreviation for “Standards”
2. % is the symbol for “Percentage”
3. BDR. Stands for “Bedroom”
4. EMP. stands for “Employee”
5. F.A. stands for “Floor Area”
6. SQFT stands for “Square Feet”

**CATEGORY OF STANDARDS**

<table>
<thead>
<tr>
<th>PRIMARY REFERENCE</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 63.210</td>
<td>Section 63.220</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NOTES</strong></td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.266</td>
<td>Section 63.109</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>PRIMARY REFERENCE</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
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</thead>
<tbody>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
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<td></td>
<td></td>
<td></td>
<td>Section 63.210</td>
<td>Section 63.220</td>
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</tr>
<tr>
<td><strong>NOTES</strong></td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.266</td>
<td>Section 63.109</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
<td>Section 63.240</td>
</tr>
</tbody>
</table>

#### Veterinary Service
- I
- 62.383(C)
- R
- C 5 T VI
- 3 PER PRINCIPAL MEDICAL PROFESSIONAL

#### Auto Maintenance Services
- I
- R
- C 5 T.S,70% VII
- 5 PER REPAIR BAY

#### Offender Transitional Housing – must meet standards of transient accommodations
- III, Phase I
- 62.381(1), 62.940-62.945
- 62.263(2)
- R
- C 5 T VI
- 1 PER SLEEPING UNIT

#### Transportation Services
- I
- R
- C 5 T.S,90% VI
- 1 PER 150 SQFT F.A. DEVOTED TO CUSTOMER SERVICE PLUS 1 PER RENTAL/COMPANY VEHICLE

#### Wholesaling
- I
- R
- C 5 T.A E VII
- 1 PER 2 EMP. ON LARGEST WORK SHIFT OR 1200 SQFT F.A. WHICHER IS GREATER PLUS 1 FOR EACH COMPANY VEHICLE NORMALLY STORED OR PARKED ON THE SITE

#### Communications
- I
- R
- C 5 T VI
- 1 PER 200 SQFT F.A.

#### Emergency Services
- I
- R
- C 5 T.A E VI
- 1 PER EMP. LARGEST SHIFT
### 62.3552M-3 LOW SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the M-3 Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td>Paragraph 62.111</td>
<td>Paragraph 62.112</td>
<td>Paragraph 62.113</td>
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</table>

#### APPEARANCE CONTROL STANDARDS

<table>
<thead>
<tr>
<th></th>
<th>Hours of Operation</th>
<th>Exterior Lighting</th>
<th>Sign Regulations</th>
<th>Landscape Material Point Base</th>
<th>Exterior Storage Regulations</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Facility</td>
<td></td>
<td>62.385</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>FOR A STRUCTURE: VIII FOR A LOT: VII</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>62.384 (4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SEE WHOLESALING REQUIREMENTS</td>
</tr>
<tr>
<td>Research &amp; Testing</td>
<td></td>
<td>62.384 (4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SEE WHOLESALING REQUIREMENTS</td>
</tr>
<tr>
<td>Trade Shops</td>
<td></td>
<td>62.385</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 PER EMP. ON LARGEST WORK SHIFT PLUS 1 PER 200 SQFT F.A. DEVOTED TO CUSTOMER SALES/SERVICE</td>
</tr>
<tr>
<td>Indoor Athletic Facility</td>
<td></td>
<td>62.383 (H)</td>
<td>6AM-11PM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 PER 100 SQFT F.A.</td>
</tr>
</tbody>
</table>

62.384 (4) Light Industrial Uses in the M-3 District: Only those light industrial uses which are not required by federal regulations to obtain federal level air quality permits are permitted uses in the M-3 District.
### 62.360 MRD #1 EDUCATION AND PUBLIC SERVICE CAMPUS

This chapter lists the standards applicable to uses allowed in the MRD #1, Education and Public Service Campus Mixed Redevelopment District.

### 62.361 MRD #1 GENERAL ZONING DISTRICT STANDARDS

The following table identifies the general zoning district standards applying to uses in the MRD #1 Zoning District.

**COMMENTARY:** The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS** in the table: % stands for “percentage”.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Minimum Maximum Height (in feet)</th>
<th>Permitted Uses for Incentive Development</th>
<th>Regulations for Off-street parking in Section 63.400</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.264</td>
<td>Primarily found in Par. 62.263</td>
<td>TYPE III DEVELOPMENT APPROVED THROUGH REQ OF SECTION 62.600</td>
<td>For Permitted Uses</td>
<td>For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 60</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.140</td>
<td>Exceptions to Standard Par. 60.424</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Performance Residential</td>
<td>VAR</td>
<td>62.261</td>
<td>62.266(1)</td>
<td>10.00 – 16.00 – 21.78</td>
<td>15000(S)</td>
<td>40%</td>
<td>16%</td>
<td>@</td>
<td>2 PER NEW DWELLING UNIT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>III</td>
<td>62.361(2) Reference 62.262(3)</td>
<td>62.266(1)</td>
<td>7</td>
<td>62.262(3)(b) (1&amp;c)(2)</td>
<td>50%</td>
<td>@</td>
<td>1 PER UNIT/EFFICIENCY &amp; ONE BEDROOM IN ONE STORY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>II or III</td>
<td>62.263(5)</td>
<td>62.266(i) (1) (3) 62.126</td>
<td>16 (I) 24 (II)</td>
<td>15000(S)</td>
<td>40%</td>
<td>14%</td>
<td>@</td>
<td>1 SPACE/EACH LARGEST CLASS AttENDANCE PLUS 1 PER A BED</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Residential Care</td>
<td>VAR</td>
<td>62.263(2) 65.263(1)</td>
<td>6000(L)</td>
<td>40%</td>
<td>@</td>
<td>1 PER 400 SQ FT FLOOR AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Offices</td>
<td>I or III</td>
<td>0.35</td>
<td>1.00</td>
<td>20%</td>
<td>@</td>
<td>1 PER 400 SQ FT FLOOR AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Service</td>
<td>I or III</td>
<td>0.35</td>
<td>1.00</td>
<td>20%</td>
<td>@</td>
<td>1 PER 400 SQ FT FLOOR AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Service</td>
<td>I or III</td>
<td>0.40</td>
<td>1.00</td>
<td>20%</td>
<td>@</td>
<td>1 PER 400 SQ FT FLOOR AREA</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Medical Facilities</td>
<td>I</td>
<td>0.40</td>
<td>1.00</td>
<td>20%</td>
<td>@</td>
<td>1 PER PRINCIPAL MEDICAL PROFESSIONAL</td>
<td></td>
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</tr>
<tr>
<td>Neighborhood Food Sales/Service</td>
<td>I or III</td>
<td>62.727</td>
<td>0.25</td>
<td>0.50</td>
<td>20%</td>
<td>@</td>
<td>1 PER 3 SEATS PLUS 1 PER EMP ON LARGEST SHIFT</td>
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<td></td>
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<tr>
<td>Neighborhood Retail*</td>
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<td>62.727</td>
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<td>0.50</td>
<td>20%</td>
<td>@</td>
<td>1 PER 100 SQ FT F.A.</td>
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<tr>
<td>Business Center*</td>
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<td>0.25</td>
<td>0.50</td>
<td>20%</td>
<td>@</td>
<td>1 PER 200 SQ FT F.A.</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Communications</td>
<td>I</td>
<td>0.35</td>
<td>1.00</td>
<td>20%</td>
<td>@</td>
<td>1 PER 400 SQ FT FLOOR AREA</td>
<td></td>
<td></td>
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<td>Semi-Transient Accom.</td>
<td>II</td>
<td>62.263(4)</td>
<td>0.35(II)</td>
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<td>25%</td>
<td>@</td>
<td>SAME AS FOR LIGHT INDUSTRIAL</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Research &amp; Testing</td>
<td>II or III</td>
<td>62.930</td>
<td>0.40</td>
<td>1.00</td>
<td>20%</td>
<td>@</td>
<td>1 PER 300 SQ FT F.A.</td>
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<tr>
<td>Indoor Recreation</td>
<td>I or III</td>
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<td>0.40</td>
<td>1.00</td>
<td>20%</td>
<td>@</td>
<td>1 PER 150 SQ FT F.A.</td>
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<td>Indoor Athletic Facility</td>
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<td>20%</td>
<td>@</td>
<td>1 PER 200 SQ FT F.A.</td>
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</tr>
<tr>
<td>Agricultural Services</td>
<td>I or III</td>
<td>0.25</td>
<td>0.50</td>
<td>20%</td>
<td>@</td>
<td>1 PER EMP ON LARGEST SHIFT PLUS 1 PER USE OF SQ FT F.A. DEVOTED TO CUSTOMER SALES AND SERVICE</td>
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</tr>
<tr>
<td>Non-Production Industrial</td>
<td>III</td>
<td></td>
<td>0.50</td>
<td>20%</td>
<td>@</td>
<td>SEE PARAGRAPH 62.905</td>
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<tr>
<td>Area Accessory Dwpmnt</td>
<td>I or III</td>
<td>62.900</td>
<td>62.933</td>
<td>0.40</td>
<td>1.00</td>
<td>62.932</td>
<td>20%</td>
<td>@</td>
<td>SEE PARAGRAPH 62.905</td>
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</tr>
</tbody>
</table>

@ For any Use within 200 feet of a developed R-1 district where the use is residential, the height shall be limited to 35 feet. Elsewhere, there is no limit.
# MRD #1 SITE APPEARANCE STANDARDS

The standards in this table identify the site appearance standards applying to uses in the MRD #1 Zoning District.

## COMMENTARY:

The row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

### ABBREVIATIONS/SYMBOLS in the table:

Stnd is the abbreviation for “Standards”

### TABLE:

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>PRIMARY REFERENCE</th>
<th>List of Permitted Uses</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
</tr>
</thead>
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<tr>
<td></td>
<td>PARAGRAPH</td>
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<td>PRIMARY REFERENCE</td>
<td>62.111</td>
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<td>NOTES</td>
<td>Description of each category found in Section 62.140</td>
<td>General Yard Requirements in 63.100 How Yards can be used in 63.120</td>
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<tr>
<td>Performance Residential</td>
<td>SEE PARAGRAPHS 62.283–62.285 FOR REQUIREMENTS</td>
<td>R</td>
<td>R</td>
<td>15.5</td>
<td>R</td>
<td>III</td>
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<tr>
<td>Manufactured Home Park</td>
<td>SEE SUBSECTION 62.262(3)(c), Lot Development Standards</td>
<td>R</td>
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<td>IV</td>
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<tr>
<td>Multi-Family Residential</td>
<td>SEE PARAGRAPHS 62.284–62.286 FOR REQUIREMENTS</td>
<td>R</td>
<td>R</td>
<td>15.5</td>
<td>T</td>
<td>IV</td>
<td></td>
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<tr>
<td>Group Residential Care</td>
<td>SAME AS FOR COMPARABLE RESIDENTIAL USE</td>
<td>R</td>
<td>R</td>
<td>15.5</td>
<td>R</td>
<td>III</td>
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<td>Semi-Transient Accomm.</td>
<td>SEE PARAGRAPHS 62.286 FOR REQUIREMENTS (R-3 standards)</td>
<td>R</td>
<td>R</td>
<td>15.5</td>
<td>T</td>
<td>IV</td>
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<td>Offices</td>
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<td>Business Service</td>
<td>15</td>
<td>10</td>
<td>8</td>
<td>B</td>
<td>B</td>
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<td>T</td>
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<td>Educational Service</td>
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<td>8</td>
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<td>B</td>
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<td>8</td>
<td>B</td>
<td>B</td>
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<td>Neighborhood Food Sales/Service</td>
<td>15</td>
<td>10</td>
<td>8</td>
<td>B</td>
<td>B</td>
<td>12</td>
<td>T</td>
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<tr>
<td>Neighborhood Retail</td>
<td>15</td>
<td>10</td>
<td>8</td>
<td>B</td>
<td>B</td>
<td>12</td>
<td>T</td>
</tr>
<tr>
<td>Business Center</td>
<td>15</td>
<td>10</td>
<td>8</td>
<td>B</td>
<td>B</td>
<td>12</td>
<td>T</td>
</tr>
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<td>Communications</td>
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<td>B</td>
<td>12</td>
<td>T</td>
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<td>Non-Production Industrial</td>
<td>20</td>
<td>10</td>
<td>12</td>
<td>B</td>
<td>B</td>
<td>12</td>
<td>T, S 25%</td>
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<td>Research &amp; Testing</td>
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<td>10</td>
<td>12</td>
<td>B</td>
<td>B</td>
<td>12</td>
<td>T,A</td>
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<td>10</td>
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<td>B</td>
<td>B</td>
<td>12</td>
<td>T</td>
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<td>B</td>
<td>B</td>
<td>12</td>
<td>T</td>
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<td>15</td>
<td>10</td>
<td>8</td>
<td>C</td>
<td>B</td>
<td>8.5</td>
<td>T,S,80%</td>
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<td>12</td>
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<td>B</td>
<td>12</td>
<td>T,A</td>
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</table>
62.370 AGRICULTURAL DISTRICT
This article lists the standards applicable to uses allowed in the AG District.

62.371 The following table identifies the general zoning district standards applying to uses in the AG Zoning District.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>Permitted Off-Street Parking</th>
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<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.260</td>
<td>Primarily found in Par. 62.266</td>
<td>TYPE III DEVELOPMENT APPROVED THROUGH REQ OF SECTION 62.600</td>
<td>For Permitted Uses, For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 60</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.140</td>
<td>Exceptions to Standard Par. 60.444</td>
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<td>SINGLE FAMILY DETACHED</td>
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<td>II</td>
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<td></td>
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<tr>
<td>AREA ACCESSORY Dvlpmnt</td>
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<td>62.933</td>
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<td>0.40</td>
<td>62.932</td>
<td>40%</td>
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<td>25</td>
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</tbody>
</table>

COMMENTARY:
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

ABBREVIATIONS/SYMBOLS in the table:
% stands for “percentage”
## AG SITE APPEARANCE STANDARDS

### The standards in this table identify the site appearance standards applying to uses in the AG Zoning District.

**COMMENTARY:**

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**

- Stnd is the abbreviation for "Standards"
- NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE.

### CATEGORY OF STANDARDS

<table>
<thead>
<tr>
<th>List of Permitted Uses</th>
<th>カテゴリ of Standards</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Required Front Yard</td>
<td>Side Yard Least Width</td>
<td>Minimum Sum of Side Yards</td>
<td>Minimum Rear Yard</td>
<td>Hours of Operation</td>
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<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH</td>
<td>PARAGRAPH</td>
<td>PARAGRAPH</td>
<td>PARAGRAPH</td>
<td>PARAGRAPH</td>
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<tr>
<td></td>
<td>62.111</td>
<td>63.110(1)</td>
<td>63.110(2)</td>
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<tr>
<td>NOTES</td>
<td>Description of each category found in Section 62.110</td>
<td>General Yard Requirements in 63.100</td>
<td>How Yards can be used in 63.120</td>
<td>Section 62.210</td>
<td>Section 62.220</td>
<td>Section 62.230</td>
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</tr>
</tbody>
</table>

### Single Family Detached
- Minimum 25' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: R
- Sign Regulations: R
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Agricultural Uses
- Minimum 6' Side Yard
- Minimum 16' Front Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: R
- Sign Regulations: R
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Public/Private Park
- Minimum 25' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: R
- Sign Regulations: R
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Commercial Stable
- Minimum 25' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: R
- Sign Regulations: R
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Riding Academy
- Minimum 50' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: R
- Sign Regulations: R
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Cemetery
- Minimum 6' Side Yard
- Minimum 16' Front Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: R
- Sign Regulations: R
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Essential Services
- Minimum 25' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: R
- Sign Regulations: R
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Substantial Land Alteration
- Minimum 25' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: R
- Sign Regulations: R
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Quarry
- Minimum 25' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: A, S, E, F
- Sign Regulations: A, S, E, F
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Sand or Gravel Excavation
- Minimum 25' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: A, S, E, F
- Sign Regulations: A, S, E, F
- Landscape Material Point Base: NR
- Exterior Storage Regulations: NR
- To Determine Req. Buffer: I

### Area Accessory Dwelling
- Minimum 50' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: T
- Sign Regulations: T
- Landscape Material Point Base: 62.936
- Exterior Storage Regulations: 62.936
- To Determine Req. Buffer: III

### Utility Stations
- Minimum 50' Width at Building Line
- Minimum 6' Front Yard
- Minimum 16' Side Yard
- Minimum 25' Rear Yard
- Hours of Operation: NR
- Exterior Lighting: T
- Sign Regulations: T
- Landscape Material Point Base: 62.936
- Exterior Storage Regulations: 62.936
- To Determine Req. Buffer: IV

### FOOTNOTES:

[1] THE BUFFERYARD INDICATOR IS BASED ON THE LAND USE PLAN DESIGNATION FOR VACANT, UNDEVELOPED LAND.
The following paragraphs identify specific requirements applicable to certain types of permitted uses identified in the Zoning District Tables contained in this Article.

62.381 Residential Uses:

1) Multi-Family Residential Use: Residential Uses are permitted according to the requirements of the least restrictive residential zoning district adjoining the area zoned B-1 which is within 750 feet of the property boundary. In the case of no adjoining residential district within this distance, the regulations of the R-4 District shall be used.

2) Manufactured Home Park: Refer to Paragraph 62.262 (3) for regulations applicable to Manufactured Home Parks. The General Zoning District and Site Appearance Standards for Manufactured Home Parks as found in the R-3 Zoning District shall be utilized in the development of a manufactured home park unless otherwise superseded by specific zoning district or site appearance standards found in the applicable zoning district table(s) for the property.

62.383 Commercial and Service Uses:

A. Fuel Sales: Site area improvements devoted to the dispensing of fuels are permitted to encroach within any required yard, but no closer than 5 feet from any property line. Fuel pumps shall be no closer than 15 feet from any right of way line or property line.

B. Drive-In Facilities:

Subd. 1. In All Districts: That portion of the site area utilized for vehicle circulation and parking shall be hard-surfaced to control dust. Waste receptacles shall be provided at all exits where readily disposable goods or materials are offered for sale and pick-up through the drive-through. Devices such as speakers shall be designed so that the noise level at the property line does not exceed the maximum decibel level permitted in the zoning district applicable to the adjacent property or the existing ambient noise level as measured at the property line (whichever is greater).

Subd. 2. In the TOD District: Drive-in facilities in the TOD District shall not:

A. Be located or designed so that vehicles using the drive-in facility pass between any public or private street and any portion of any façade of the primary building facing that street; and
B. Be accessed directly from, or be located on a lot(s) with a curb cut onto, N. or S. Broadway, SW. 2nd St., or SE 4th St./Collegeview Rd.

C. Boarding of Animals: In the B-1 District animals shall be kept in a completely enclosed building at all times. In other districts, outdoor exercise runs are permitted provided they are enclosed on four sides by a sight obscuring fence or wall at least 6 feet in height, and that animals are kept indoors from 9 p.m. until 7 a.m.

D. Parking Requirements for Business Centers: Off-street parking required for business centers shall be calculated as follows:

**BASE RATE:**

4 spaces per 1,000 square feet of gross leasable area (GLA) in centers with up to 600,000 square feet GLA.

5 spaces per 1,000 square feet of gross leasable area (GLA) in centers with over 600,000 square feet GLA.
**ADJUSTMENTS TO BASE RATE:**

Where offices comprise over 10 percent of the GLA, one additional space per 750 square feet of office area shall be provided.

Where cinemas are included in the center, additional parking at the following rates shall be provided:

a) In centers under 100,000 GLA, 3 spaces per 100 cinema seats.

b) In centers between 100,000 and 200,000 GLA, 3 spaces per 100 seats over an initial level of 450 seats.

c) In centers over 200,000 GLA, 3 spaces per 100 seats over an initial level of 750 seats.

Restaurants and other food service tenants shall require the following additional parking:

a) In centers with less than 100,000 GLA, 10 spaces per 1,000 square feet of floor area devoted to food service tenants.

b) In centers between 100,000 and 200,000 GLA, 6 spaces per 1,000 square feet of floor area devoted to food service tenants.

E. **Outdoor Entertainment Uses:** The site design for uses such as drive-in theaters, stadiums and the like with on-site parking shall provide stacking space for inbound vehicles equal to the area needed to handle 10 percent of the number of vehicles anticipated at full capacity of the seating area (assuming four persons per vehicle), unless the road authority has agreed that use of streets in the area for stacking is suitable.

An access plan for the development shall be designed with the goal of a) limiting direct access to major streets, b) discouraging the use of residential streets as means of access to the site.

Sound amplification systems shall be designed so that the noise level at the property line does not exceed the maximum decibel level permitted in the zoning district applicable to the adjacent property.

The development shall be designed so that no ground level light sources are visible from any public right-of-way or adjacent residential properties.

F. **Air Transportation:** Air transportation facilities shall be designed so as to discourage trespassing by unauthorized personnel. The use shall not include any retail, service or advertisement activity which is not directly related to the operation of the facility unless the underlying land is zoned to permit such use.

Proof of airspace clearance from the FAA shall be provided. Landing strips shall have clear zone of 1,000 or more feet provided at the end of the runway which shall be controlled and maintained by the owner of the facility and kept free of uses or structures not associated with operation of the landing facility. Landing pads shall have a planted area maintained around the perimeter of the pad by the owner of the facility to minimize noise, dust and other hazards where necessary to protect surrounding residential properties.

G. **Wholesaling:** The Zoning Administrator shall be provided with a summary of proposed shipping practices, including vehicle types. Sufficient off-street loading space to handle anticipated vehicles shall be provided, along with the sufficient room on-site to allow
maneuvering of vehicles so as to preclude the need to utilize the public right-of-way for backing movements.

H. **Self-Service Storage Facility:** Parking by customers is permitted adjacent to the rental unit in a drive aisle. Drive aisles between structures must be a minimum of 18 feet between the nearest points of buildings. In addition to the main access one emergency access must be provided on the site. The emergency access must consist of a gate and driveover curb. Where access to the facility is provided by a card reader or otherwise controlled two stacking spaces must be provided between the card reader and the lot line. A minimum setback of ten feet from the nearest point of the building to the lot line is required to allow for emergency vehicle access. Accessory uses permitted include only outdoor vehicle storage and resident manager dwelling as is covered in Section 62.395 Subd. 2. No hazardous materials or waste shall be permitted to be stored within any storage unit. Hazardous materials consist of liquids or solids that are inflammable, corrosive, explosive, or radioactive.

**62.384 Industrial Uses:**

A. **Junkyards:** The junkyard operation shall be conducted within a building or within a yard enclosed on all sides by a wall or solid fence at least eight feet in height. Openings equipped with a gate or door not exceeding 24 feet in width are permitted to allow vehicle access into the site. Such openings shall be closed when the establishment is not open for business. Openings of such width as necessary may also be permitted where access to railroad trackage adjacent to the site is proposed.

B. **Agricultural Production:** See section 62.264(1).

C. **Industrial Uses in Commercial Districts:** The use shall not occupy the ground floor street frontage of any building and no more than 50 percent of the gross floor area of any building shall be occupied by mechanical equipment or machinery engaged in manufacturing, finishing or assembling activities (including space occupied by the machine operators). Retail, wholesale or office activities which are part of the business operation are acceptable uses in that area of the building occupying the street level frontage.

D. **Uses in the M-3 District:**

1. Only those light industrial uses which are not required by state or federal regulations to obtain state or federal level air quality permits are permitted uses in the M-3 District.

2. PM peak hour trip generation rates from business parks or similar coordinated developments in the M-3 District are limited to nine trips per hour per acre for the development as a whole and 20 trips per hour per acre for any individual use. Available trip generation capacity will be allocated at the time of site plan review. The sole source for trip generation estimates shall be the most current edition of the Trip Generation Manual of the Institute of Transportation Engineers (ITE Manual). If the ITE Manual does not include an estimate for a proposed use, the Zoning Administrator shall base the trip generation rate on the most similar use included in the ITE Manual.

3. Bufferyards and boulevard plantings may be used to meet the required business park landscaping requirement.

4. Exterior storage areas must be screened from view from adjacent streets and residential areas and shall not be located within 200 feet of a residential district.

5. Properties with self-service storage facilities shall not be located within 200 feet of a
residential district.

(6) The minimum size for a business park or other coordinated development shall be 20 acres except for sites that are bounded on all sides by arterial or higher level streets, streams or other topographic constraints, existing development, land already included in an approved General Development Plan or permanent open space that limits the inclusion of other abutting lands.

(7) Grading shall be limited (a) such that, if more than five percent of the land area of the site exceeds an 18 percent grade, no more than 15 percent of the land area having slopes over 18 percent shall be disturbed, and (b) such that no more than 20 percent of the remaining site area may meet the definition of substantial land alteration in section 62.1101(2)(a).

(8) In the M-3 District, individual uses shall provide a minimum driveway stacking length from the right-of-way to the nearest parking lot access of 18 feet for uses with a trip generation up to nine trips per hour in the PM peak hour and 36 feet for uses with a trip generation over nine trips per hour in the PM peak hour.

(9) Unless otherwise specified in section 62.342, lighting in the M-3 District shall meet the R standard if adjacent to a residential zoning district and the D standard in all other locations. Lights with no cut off are not permitted.

62.385 Parking Facilities: Subdivision 1. In the B-1 District, the only type of parking facility permitted is a community parking lot. Structures are considered a Type I use if they meet the FAR and Landscape Area requirement for the underlying zoning district. All other developments are considered a Type II use. In determining floor area, all area devoted to parking spaces and aisles shall be counted (but not driveways, stairs, elevators, mechanical equipment and the like). Parking lot landscaping requirements shall be applied to the average number of stalls per level, not the total number of stalls.

Subd 2. In the B-2 District, the only type of parking facility permitted is a community parking lot which is considered a Type II use. The street frontage of a parking lot in the B-2 District shall not exceed 60 feet and shall be screened from public view by a solid wall three feet in height constructed of durable maintenance free material or a dense evergreen hedge three feet in height.

62.386 Recreational Uses:

1) Campgrounds and Recreational Vehicle Parks: The density of proposed developments shall not exceed 20 sites per acre. Spaces for trailers shall be at least 25 feet wide, and a 30 foot separation between any designated site and a residential zoning district boundary shall be maintained. Recreational space equal to 10 percent of the site area shall be provided, with no single area smaller than 800 square feet in size. Submittal information shall include plans for utilities, sanitary facilities, bathing facilities and the waste disposal system. Recreational vehicle parks located in the Flood Fringe, Flood Prone and Floodway Districts are subject to the provisions of 62.800.

2) Outdoor Recreation: Incidental commercial facilities, such as refreshment stands or pro shops, are permitted subject to the condition they are operated primarily for the patrons of the facility and no outdoor advertising of business or products is maintained. Parking areas and other areas of intense activity, such as bleachers or rides, shall be setback at least 30 feet from any other property line, and parking surfaces shall have an all-weather surface.

In the case of an open range or gun club involving the use of firearms, all shooting stations shall be at least 1,000 feet from property lines unless designed so as to baffle noise and provide protection from accidental or stray ammunition discharge for surrounding properties.
62.387 **Personal Service Uses:**

A. **Fitness Center:** In the B-1 (Restricted Commercial) Zoning District, Fitness Centers are considered a Type I Use. An extension in the hours of operation under the site appearance Standards can be considered as a Type II if the following conditions are met:

1. The front door of the Fitness Center is not facing any residential dwelling;
2. Entry by members into the Fitness Center is by membership keycard only and through the front door;
3. Fitness Center is only open to the public by appointment or during regular hours of operation as specified in section 62.312, Hours of Operation;
4. There is 24-hour camera surveillance inside the Fitness Center; and
5. All business signs must comply with section 62.312, Hours of Operation.
62.390 ACCESSORY BUILDINGS AND STRUCTURES IN NON-RESIDENTIAL DISTRICTS:

In the case of all commercial and industrial uses, accessory buildings and structures shall maintain the same front, side and rear yards as are required for the principal structure.

62.391 No accessory building in a nonresidential district shall exceed the height of the principal building except as permitted by the provisions of Paragraph 60.444(6).

62.392 The combined lot coverage of accessory buildings or structures and the principal building or structure located on the same lot or site shall not exceed the permitted lot coverage for the district.

62.393 Separation of accessory structures from principal structures shall be as required by the Building Code.

62.394 The sum of the individual gross floor areas of each principal and accessory building on a lot shall not exceed that allowed by the maximum floor area ratio, if any, for the zoning district where located.

62.395 Detailed Accessory Use Regulations: Subdivision 1. This section details additional requirements that are placed on specific types of accessory uses or structures due to their unique nature or their potential for having possible adverse effects on surrounding properties.

Subd. 2. Residence for Caretaker or Watchman: One apartment unit or manufactured home for a caretaker, owner, operator, manager or watchman and his related family is permitted for any commercial or industrial use, kennel, or veterinary clinic for the purpose of security. The residence may be either an integral part of the principal building or detached from it. Such residence shall meet the setbacks established for a one family detached dwelling in the R-1 District, and a usable recreation space of 400 square feet shall be provided for the residence in one consolidated area with a minimum dimension of 15 feet.

Subd. 3. Related Service Facilities: See Section 62.278 (8).

Subd. 4. Accessory Fuel Tanks: See Section 62.278 (6).

Subd. 5. Seasonal Garden Centers: Annual temporary garden centers are permitted and processed as a Type I use in the B-1, B-4 and M-1 districts. Temporary greenhouses are permitted and must be shown on the site plan. Fertilizer, pesticides and related gardening materials shall be displayed and stored within an enclosed structure. Topsoil, mulch and rocks must be stored to contain any movement of the material from the site. When a seasonal garden center is a free standing business not associated with other business, then (a) sign standard “A” shall apply; (b) banners are not permitted; (c) required parking for the principal use shall not be reduced by more than ten percent; and (d) the center’s time of operation shall be limited in time as dictated by the weather and so that the use does not become a permanent garden center. The area established for the garden center shall not block drive aisles and fire lanes. Seasonal garden centers must meet the setback requirements for exterior storage and structures of the underlying zoning district.

Subd. 6. WECS and WECS Meteorological Towers: WECS and WECS Meteorological Tower as accessory uses in a non-residential district are regulated by the standards found in section 62.938 and by the applicable Design Modification found in section 60.424.

Subd. 7. SOLAR COLLECTION SYSTEM:

A. Ground mounted and freestanding solar collectors are permitted as accessory structure in all non-residential zoning districts subject to the following requirements:
(1) Shall be setback at least six feet from the property line if adjacent to a residential zoning district. Otherwise, the setback shall be as permitted in the zoning district;

(2) Shall not exceed 25 feet when oriented at maximum tilt;

(3) All exterior electrical lines must be buried below the surface of the ground;

(4) If located in the front yard, the solar collection system shall not cover more than thirty (30%) percent of the front yard and be setback at least 15 feet from the front property line and adequately screened from view from the public right of way and be located so as to minimize glare directed toward an adjoining property;

(5) Shall be considered in determining the maximum coverage of structures on the lot;

(6) Shall comply with all city and state building and electrical codes;

(7) The property owner shall notify the electrical utility where the solar collection system is connected to the electrical utility system; and

(8) If the solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities by no later than 90 days after the end of the twelve-month period.

B. Rooftop and wall-mounted solar collectors are permitted in all non-residential zoning districts subject to the following requirements:

(1) Shall not project over the peak of the roof if installed on a sloped roof;

(2) Shall not be more than ten feet above the roof to which it is attached;

(3) Wall mounted solar collectors shall not extend over property lines;

(4) Shall not exceed the maximum height permitted in the zoning district in which it is located;

(5) Shall comply with all city and state building and electrical codes;

(6) The property owner shall notify the electrical utility where the solar collection system is connected to the electrical utility system; and

(7) If the solar collector cease to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities by no later than 90 days after the end of the twelve-month period.

62.396 **Storage Containers in Non-Residential Districts:** Container storage of merchandise is permitted only when incidental to the permitted use located on the same lot, and provided that the container storage area meets the following requirements. These standards do not apply to truck trailers or semi-trailers that are actively being used for the transportation of merchandise and are temporarily located adjacent to loading docks of a principal structure.
A. Storage Container Lots: The exterior storage of storage containers by a lease agent or storage container leasing business shall be permitted only in the M-1 and M-2 districts. This use shall be classified as a “Non-Production Industrial” use and must meet the requirements established for that use in the M-1 and M-2 districts. Storage containers shall not be stacked for storage on such lots. A Site Development Plan review and zoning certificate is required for this use.

B. Accessory Use in a Non-residential District: Storage containers are a permitted accessory use only within the B-4, M-1 and M-2 districts for those use categories that permit exterior storage or display as specified by the applicable zoning district standards and site appearance standards, and Section 63.240. A Site Development Plan review and zoning certificate is required for the placement of any storage container in any zoning district so long as the storage container is not part of an approved Site Development Plan.

C. Storage container location: Storage containers must meet Exterior Storage Standard “S” as specified in Section 63.242(4). Storage containers may be located within the buildable area of a lot and setback from any public right-of-way 25 feet. Storage containers and the container storage area shall not be located on any part of a yard between the front or side street lot line and the principle structure or building. Storage containers may not be located on utility or drainage easements. The area of a lot designated for storage containers shall be located immediately adjacent to the principal structure.

D. Maximum permitted heights: The maximum height permitted shall be nine and one-half feet above the finished grade in any district. Storage containers shall not be stacked.

E. Site impact: The area of a lot designated for storage containers shall be included as a part of the floor area and all related calculations including floor area ratio and landscape area. In no case shall the area on a property designated for storage containers exceed the outer dimensions of the principal structure or 10% of the gross floor area, whichever is less. Where a home center or lumber yard which is classified as a Non-Production Industrial Use proposes to use storage containers, the containers shall be located within the permitted exterior storage area and must be calculated as part of the exterior storage area as regulated by the district and Sections 63.250, 63.260.

F. Site improvements: The storage containers shall be located on a paved level surface to prevent shifting, rolling, or other movement. In the B-4 and M-1 districts:

(1) the area designated for storage containers shall be required to provide a bufferyard that meets the standard established for the Non-Production Industrial use category;

(2) the storage container shall be completely enclosed by a solid wall made of the same material and the same appearance as the principal structure, and a gate that blocks the view of the storage area. The wall shall be ten feet in height. The gate shall be securable. A wall will not be required where a home center or lumber yard classified as a Non-Production Industrial Use proposes to use storage containers and the containers are located within the exterior storage area as regulated by the district, and by Sections 63.240, 63.260.

(3) In the M-2 district, the area designated for storage containers shall be required to provide a bufferyard that meets the standard established for the Non-Production Industrial use category.

G. Maintenance: The storage containers must be free of graffiti, posters, bills or advertising signs. All containers must be free of corrosion, rust, rot, holes or leaks. The containers must be painted. Graffiti and other vandalism must be repaired within two weeks of the incident. A company identification sign no more than 2 square feet in area shall be attached to the storage container.

H. General standards:
(1) storage containers shall not be connected to utility services;

(2) storage containers may not be used to store mixed municipal waste or other solid waste or hazardous, flammable, explosive, corrosive or biologically infectious or contagious materials;

(3) the area used to park the storage containers shall be located on a lot that allows the units to be moveable;

(4) no object may be stacked or stored on top of a storage container.
62.400 CENTRAL DEVELOPMENT CORE ZONING DISTRICT TABLES
The Zoning District Tables contained in this article contain the basic lot development standards and site appearance controls applicable to uses in the Central Development Core.

62.410 CENTRAL DEVELOPMENT CORE – CENTRAL BUSINESS DISTRICT AREA
This section lists the standards applicable to uses permitted in the Central Business District Area of the Central Development Core.

62.411 GENERAL ZONING DISTRICT REGULATIONS – CENTRAL BUSINESS DISTRICT AREA/CENTRAL DEVELOPMENT CORE
The following table identifies the general zoning district standards applying to uses in the Central Business District area of the Central Development Core.

STANDARDS

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## 62.412 SITE APPEARANCE STANDARDS – CENTRAL BUSINESS DISTRICT AREA/CENTRAL DEVELOPMENT CORE

The standards in this table identify the permitted uses and applicable standards applying to the uses permitted in the Central Business District Area of the Central Development Core.

### COMMENTARY:
- The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

### ABBREVIATIONS/SYMBOLS in the table:
- Stnd is the abbreviation for "Standards"

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<td>II</td>
<td>T</td>
<td>VII</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Parking Facility</td>
<td>III</td>
<td>62.385</td>
<td>IX</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research &amp; Testing</td>
<td>II</td>
<td>62.454</td>
<td>T, A</td>
<td>VIII</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor Athletic Facility</td>
<td>I</td>
<td>T</td>
<td>VII</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Indoor Recreation</td>
<td>I</td>
<td>T</td>
<td>VII</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drinking &amp; Entertainment</td>
<td>I</td>
<td>T</td>
<td>IX</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Establishment</td>
<td>I</td>
<td>T, A</td>
<td>I</td>
<td>VIII</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area Accessory</td>
<td>I</td>
<td>62.930</td>
<td>62.933</td>
<td>T</td>
<td>62.936</td>
<td>VIII</td>
<td></td>
</tr>
<tr>
<td>Development</td>
<td>I</td>
<td>T</td>
<td>VII</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>I</td>
<td>T</td>
<td>VII</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender Transitional Housing – must meet standards of congregate housing, if single family detached structure or semi-transient or transient accommodations, depending on structure</td>
<td>III, Phase I</td>
<td>62.381(1), 62.940, 62.945</td>
<td>62.263(2)</td>
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<tr>
<td>Outdoor Community Information and Public Events Screen</td>
<td>II</td>
<td>63.2261</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
62.420 CENTRAL DEVELOPMENT CORE – FRINGE AREA
This section lists the standards applicable to uses permitted in the Fringe Area of the Central Development Core.

62.421 GENERAL ZONING DISTRICT REGULATIONS – FRINGE AREA/CENTRAL DEVELOPMENT CORE
The following table identifies the general zoning district standards applying to uses in the Fringe Area of the Central Development Core.

STANDARDS

<table>
<thead>
<tr>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Floor Area Ratio:</strong></td>
</tr>
<tr>
<td>Type I Development: 4.00</td>
</tr>
<tr>
<td>Under Incentive Development Provisions of Section 62.600: No Upper Limit</td>
</tr>
<tr>
<td><strong>REFERENCE:</strong> Paragraph 62.115</td>
</tr>
<tr>
<td><strong>Minimum Percentage of Landscape Area:</strong> 5%</td>
</tr>
<tr>
<td><strong>REFERENCE:</strong> Definition of Landscape Area &amp; Section 63.130</td>
</tr>
<tr>
<td><strong>Maximum Permitted Height:</strong> No Limit</td>
</tr>
<tr>
<td><strong>REFERENCE:</strong> Definition of Height/Exceptions in Paragraph 60.424</td>
</tr>
<tr>
<td><strong>Minimum Lot Size:</strong> None</td>
</tr>
<tr>
<td><strong>REFERENCE:</strong> Paragraph 62.116 &amp; Definitions of Lot, Site</td>
</tr>
<tr>
<td><strong>Minimum Setbacks:</strong></td>
</tr>
<tr>
<td>Required Front Yard: 0 Feet</td>
</tr>
<tr>
<td>Minimum Required Side Yard: 0 Feet</td>
</tr>
<tr>
<td>Minimum Sum of Side Yards: 0 Feet</td>
</tr>
<tr>
<td>Minimum Rear Yard: 0 Feet</td>
</tr>
<tr>
<td><strong>REFERENCE:</strong></td>
</tr>
<tr>
<td>General Yard Requirements in Section 63.100</td>
</tr>
<tr>
<td>Paragraph 63.110(1) &amp; Definition of Front Yard</td>
</tr>
<tr>
<td>Paragraph 63.110(3) &amp; Definition of Side Yard</td>
</tr>
<tr>
<td>Paragraph 63.110(2) &amp; Definition of Rear Yard</td>
</tr>
<tr>
<td><strong>Transitional Yards:</strong></td>
</tr>
<tr>
<td>A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of any lot in the R-1 or R-2 Zoning District.</td>
</tr>
</tbody>
</table>
### SITE APPEARANCE STANDARDS – FRINGE AREA/CENTRAL DEVELOPMENT CORE

The standards in this table identify the site appearance standards applying to uses in the Fringe Area of the Central Development Core.

**COMMENTARY:**

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.

The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**

- **Stnd** is the abbreviation for "Standards"

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF- STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
<tr>
<td>PRIMARY REFERENCE</td>
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<tr>
<td></td>
<td>62.111</td>
<td>PARAGRAP</td>
<td>62.112</td>
<td>PARAGRAP</td>
<td></td>
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<td></td>
<td></td>
<td>62.113</td>
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</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.263</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
</tr>
<tr>
<td></td>
<td>Multi-Family Residential I or III 62.727(1) 62.263 (5) 62.266 (1) (3) 62.126, 64.132</td>
<td>C R 12 T</td>
<td>VII SAME AS R-4 DISTRICT</td>
<td></td>
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<tr>
<td></td>
<td>Semi-Transient Accom. I or III 62.727(1) 62.266 (1) (3) 62.126, 64.132</td>
<td>C R 12 T</td>
<td>VII 1 PER UNIT</td>
<td></td>
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<tr>
<td></td>
<td>Congregate Housing I or III 62.727(1) 62.266 (1) (3) 62.126, 64.132</td>
<td>C R 12 T</td>
<td>VII SAME AS R-4 DISTRICT</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Offices I D C 5 T,A</td>
<td>VIII 1 PER 400 SQFT F.A.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Transient Accommodations I D D 5 T,A</td>
<td>VIII 1 PER UNIT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Business Service I D C 5 T,A</td>
<td>VIII 1 PER 400 SQFT F.A.</td>
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<tr>
<td></td>
<td>Personal Service I D C 5 T,A</td>
<td>VIII 1 PER 300 SQFT F.A.</td>
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</tr>
<tr>
<td></td>
<td>Educational Services I D C 5 T,A</td>
<td>VIII 1 PER 3 STUDENTS PLUS 1 PER EMP. PRESENT DURING LARGEST CLASS ATTENDANCE PERIOD</td>
<td></td>
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<tr>
<td></td>
<td>Membership Organizations I D C 5 T,A</td>
<td>IX 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING</td>
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<tr>
<td></td>
<td>Day Care Facility I D C 5 T</td>
<td>VII 1 PER EMP. ON LARGEST SHIFT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medical Facilities I C C 5 T</td>
<td>VII 5 PER PRINCIPAL MEDICAL PROFESSIONAL</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Offender Transitional Housing - must meet standards of congregate housing, if single family detached structure, or multi-family housing, depending on structure III. Phase I 62.381(1), 62.940-62.945 62.263(C)</td>
<td></td>
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</tr>
</tbody>
</table>
### 62.422 SITE APPEARANCE STANDARDS – FRINGE AREA/CENTRAL DEVELOPMENT CORE

The standards in this table identify the site appearance standards applying to uses in the Fringe Area of the Central Development Core.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS** in the table:
Stand is the abbreviation for “Standards”

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.380</td>
<td>Primarily found in Par. 62.266</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
</tr>
<tr>
<td>Nursing &amp; Personal Care</td>
<td>I</td>
<td>C</td>
<td>A</td>
<td>12</td>
<td>T</td>
</tr>
<tr>
<td>Veterinary Service</td>
<td>II</td>
<td>62.383(C)</td>
<td>D</td>
<td>C</td>
<td>5</td>
</tr>
<tr>
<td>Auto Maintenance Services</td>
<td>I</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T,S,50%</td>
</tr>
<tr>
<td>Fast Food Restaurant</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T,A</td>
</tr>
<tr>
<td>Standard Restaurant</td>
<td>I</td>
<td>D</td>
<td>C</td>
<td>5</td>
<td>T,A</td>
</tr>
<tr>
<td>Transportation Services</td>
<td>III</td>
<td>E</td>
<td>C</td>
<td>5</td>
<td>T,S,50%</td>
</tr>
<tr>
<td>Retail Trade</td>
<td>I</td>
<td>D</td>
<td>D</td>
<td>5</td>
<td>T,B</td>
</tr>
</tbody>
</table>

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CHAPTER 62 - Updated June 2019
62.422 SITE APPEARANCE STANDARDS – FRINGE AREA/CENTRAL DEVELOPMENT CORE

The standards in this table identify the site appearance standards applying to uses in the Fringe Area of the Central Development Core.

### COMMENTARY:
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
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<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
</tbody>
</table>

**NOTES:**
- Description of each Use category found in Section 62.140
- Regulations found in Sec. 62.380
- Primarily found in Par. 62.266
- Section 62.310
- Section 63.220
- Section 63.230
- Section 63.240
- Section 63.250
- To Determine Req. Buffer see Par. 62.260
- Regulations for Off-street parking in Section 63.400

**List of Permitted Uses:**
- Local Transit (III)
- Communications (I)
- Emergency Services (II)
- Parking Facility (III)
- Research & Testing (II)
- Indoor Athletic Facility (I)
- Indoor Recreation (I)
- Drinking & Entertainment (I)
- Adult Establishment (I)
- Area Accessory Development (I)

**APPENDIX:**
- See Definitions of Parking and Par. 62.260
- SEE WHOLESALING REQUIREMENTS
- 1 PER 200 SQFT F.A.
- 1 PER EMPLOYEE
- SEE PAR. 62.935
### CENTRAL DEVELOPMENT CORE – MEDICAL AREA
This section lists the standards applicable to uses permitted in the Medical Area of the Central Development Core.

### GENERAL ZONING DISTRICT REGULATIONS – MEDICAL AREA/CENTRAL DEVELOPMENT CORE
The following table identifies the general zoning district standards applying to uses in the Medical Area of the Central Development Core.

#### STANDARDS

<table>
<thead>
<tr>
<th>Standards</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Floor Area Ratio:</strong></td>
<td>Type I Development: 1.50 Under Incentive Development Provisions of Section 62.600: No Upper Limit</td>
</tr>
<tr>
<td><strong>Minimum Percentage of Landscape Area:</strong></td>
<td>8%</td>
</tr>
<tr>
<td><strong>Maximum Permitted Height:</strong></td>
<td>No Limit</td>
</tr>
<tr>
<td><strong>Minimum Lot Size:</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Minimum Setbacks:</strong></td>
<td>Required Front Yard: 0 Feet Minimum Required Side Yard: 0 Feet Minimum Sum of Side Yards: 0 Feet Minimum Rear Yard: 0 Feet</td>
</tr>
<tr>
<td><strong>Transitional Yards:</strong></td>
<td>A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of any lot in the R-1 or R-2 Zoning District.</td>
</tr>
</tbody>
</table>
## SITE APPEARANCE STANDARDS – MEDICAL AREA/CENTRAL DEVELOPMENT CORE

The standards in this table identify the site appearance standards applying to uses in the Medical Area of the Central Development Core.

### CATEGORY OF STANDARDS
<table>
<thead>
<tr>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
</tbody>
</table>

### NOTES
- Description of each Use category found in Section 62.140
- Regulations found in Sec. 63.260
- Primarily found in Par. 62.263

### ABBREVIATIONS/SYMBOLS in the table:
- Stnd is the abbreviation for "Standards"

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hours of Operation</td>
<td>Exterior Lighting</td>
</tr>
</tbody>
</table>

### PRIMARY REFERENCE
- Multi-Family Residential
  - I or III: 62.727(1)
  - 62.263 (5)
  - 62.266 (1)
  - 62.266 (3)
  - 62.126
  - 62.132
  - C R 12 T VI SAME AS R-4 DISTRICT
- Semi-Transient Accom.
  - I or III: 62.263 (4)
  - 62.727(1)
  - 62.266 (1)
  - 62.266 (3)
  - 62.126
  - 62.132
  - C A 8.5 T VI 1 PER UNIT
- Congregate Housing
  - I or III: 62.727(1)
  - 62.266 (1)
  - 62.266 (3)
  - 62.126
  - 62.132
  - C R 12 T VI SAME AS R-4 DISTRICT
- Offices
  - I: 62.263
  - 62.266 (1)
  - 62.126
  - 62.132
  - D B 8.5 T VII 1 PER 400 SQFT F.A.
- Transient Accommodations
  - I: 62.263
  - 62.266 (1)
  - 62.126
  - 62.132
  - D C 8.5 T VII 1 PER UNIT
- Personal Service
  - I: 62.263
  - 62.266 (1)
  - 62.126
  - 62.132
  - D B 8.5 T VII 1 PER 300 SQFT F.A.
- Day Care Facility
  - I: 62.263
  - 62.266 (1)
  - 62.126
  - 62.132
  - D B 8.5 T VI 1 PER EMP. ON LARGEST SHIFT
- Medical Facilities
  - I: 62.263
  - 62.266 (1)
  - 62.126
  - 62.132
  - D B 8.5 T VII 5 PER PRINCIPAL MEDICAL PROFESSIONAL
- Nursing & Personal Care
  - I: 62.453
  - 62.266 (1)
  - 62.126
  - 62.132
  - C A 12 T VI 1 PER EMP. ON LARGEST SHIFT PLUS 1 PER 6 BEDS
- Standard Restaurant
  - II: 62.263
  - 62.266 (1)
  - 62.126
  - 62.132
  - D B 8.5 T VII 1 PER 4 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT
- Transportation Services
  - I: 62.263
  - 62.266 (1)
  - 62.126
  - 62.132
  - D B 8.5 T VII 1 PER 150 SQFT F.A. DEVOTED TO CUSTOMER SERVICE PLUS 1 PER RENTAL/COMPANY VEHICLE
- Parking Facility
  - III: 62.385
  - 62.263
  - 62.126
  - 62.132
  - D A 8.5 VIII
- Offender Transitional Housing - must meet standards of congregate housing, if single family detached structure, or multi-family housing, depending on structure
  - III, Phase I: 62.381(1), 62.940-62.945
  - 62.263(C)
  - D B 8.5 T VII 1 PER 2 EMP. ON LARGEST SHIFT OR 1200 SQFT F.A., WHICHER IS GREATER, PLUS 1 FOR EACH COMPANY VEHICLE PARKED OR STORED ON THE PREMISES
- Research & Testing
  - I: 62.454
  - 62.263
  - 62.126
  - 62.132
  - D B 8.5 T VII 1 PER EMP. ON LARGEST SHIFT OR 1200 SQFT F.A. SAME AS R-4 DISTRICT
- Area Accessory Dvlpmnt
  - I: 62.930
  - 62.263
  - 62.126
  - 62.132
  - C A 8.5 T VII 1 PER EMP. ON LARGEST SHIFT OR 1200 SQFT F.A. SAME AS R-4 DISTRICT
### 62.440 CENTRAL DEVELOPMENT CORE - RESIDENTIAL AREA

This article lists the standards applicable to uses allowed in the Residential Area of the Central Development Core.

### 62.441 GENERAL ZONING DISTRICT STANDARDS – RESIDENTIAL AREA/CENTRAL DEVELOPMENT CORE

The following table identifies the general zoning district standards applying to uses in the Residential Area of the Central Development Core.

**COMMENTARY:**

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.

The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**

% stands for “percentage”

**NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE**

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prim. Reference</td>
<td>Par. 62.111</td>
<td>Par. 62.112</td>
<td>Par. 62.113</td>
<td>TYPE I – TYPE II – TYPE III DENSITIES</td>
<td>TYPE I</td>
<td>TYPE III</td>
<td>Definition of Landscape Area</td>
<td>Definition of Height</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.260</td>
<td>Primarily found in Par. 62.263</td>
<td>TYPE III DEVELOPMENT APPROVED THROUGH REQ OF SECTION 62.600</td>
<td>For Permitted Uses</td>
<td>For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 60</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.140</td>
<td>Exceptions to Standard Par. 65.042</td>
<td>Regulations for Off-street parking in Section 65.400</td>
</tr>
</tbody>
</table>

**FOOTNOTES:**

[1] WHERE BOTH DENSITY FACTOR AND FLOOR AREA RATIO ARE FOUND IN THE SAME ROW ON THE TABLE, THE DEVELOPMENT MUST MEET BOTH STANDARDS.

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**Chapter 62 - Updated June 2019**
# 62.441 General Zoning District Standards – Residential Area/Central Development Core

The following table identifies the general zoning district standards applying to uses in the Residential Area of the Central Development Core.

**Commentary:**

- The row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**Abbreviations/Symbols in the table:**

- % stands for “percentage”
- Numbers in brackets [ ] refer to footnotes at the bottom of the table

**Numbers in brackets [ ] refer to footnotes at the bottom of the table:**

<table>
<thead>
<tr>
<th>Category of Standards</th>
<th>List of Permitted Uses</th>
<th>Applicable Detailed Regulations</th>
<th>Additional Regulations</th>
<th>Density Factor</th>
<th>Floor Area Ratio</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>Permitted Off-Street Parking</th>
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</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH 62.111</td>
<td>PARAGRAPH 62.112</td>
<td>PARAGRAPH 62.113</td>
<td>TYPE I – TYPE II – TYPE III DENSITIES</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td>Regulations found in Sec. 62.260</td>
<td>Primarily found in Par. 65.263</td>
<td>TYPE III DEVELOPMENT APPROVED THROUGH_REQ_OF_SECTION 62.600</td>
<td>For Permitted Uses</td>
<td>For Incentive Development</td>
<td>Definition of Lot &amp; Site in Chapter 60</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.140</td>
<td>Exceptions to Standard Par. 60.444</td>
</tr>
</tbody>
</table>

### Standard Restaurant

- III
- Density Factor: .25
- Floor Area Ratio: 26%
- Minimum Lot Size: 30
- Permitted Off-Street Parking: 1 PER 3 SEATS PLUS 1 PER 150 SQ. FT FLOOR AREA

### Transportation Service

- III
- Density Factor: .25
- Floor Area Ratio: 26%
- Minimum Lot Size: 30
- Permitted Off-Street Parking: 1 PER 150 SQ. FT. F.A. DEVOTED TO CUSTOMER SERVICE PLUS 1 PER RENTAL/COMPANY VEHICLE

### Indoor Athletic Facility

- I or III
- Density Factor: .25
- Floor Area Ratio: 35
- Minimum Lot Size: 30
- Permitted Off-Street Parking: 1 PER 150 SQ. FT. FLOOR AREA

### Parking Facilities

- III
- Density Factor: 62.265
- Floor Area Ratio: 30
- Minimum Lot Size: 1 PER 250 SQ. FT. FLOOR AREA

### Area Accessory Dwelling

- I
- Density Factor: 62.930
- Floor Area Ratio: 62.933
- Minimum Lot Size: 50
- Permitted Off-Street Parking: 1 PER 150 SQ. FT. F.A.

### Neighborhood Retail*

- III
- Density Factor: .40
- Floor Area Ratio: 1.0
- Minimum Lot Size: 62.932
- Permitted Off-Street Parking: 1 PER 3 SEATS

### Neighborhood Food Sales & Service*

- III
- Density Factor: .35
- Floor Area Ratio: 26%
- Minimum Lot Size: 30
- Permitted Off-Street Parking: 1 PER 3 SEATS

**Footnotes:**

- [1] Where both density factor and floor area ratio are found in the same row on the table, the development must meet both standards

*Maximum Floor Area is 2.00 s.f. for any single space or single use.*
62.442 SITE APPEARANCE STANDARDS – RESIDENTIAL AREA/CENTRAL DEVELOPMENT CORE

The standards in this table identify the site appearance standards applying to uses in the Residential Area of the Central Development Core.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
- Stnd is the abbreviation for “Standards”

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Required Front Yard</td>
<td>Side Yard Least Width</td>
<td>Minimum Sum of Side Yards</td>
<td>Minimum Rear Yard</td>
<td>Hours of Operation</td>
</tr>
<tr>
<td>PRIMARY REFERENCE</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARAGRAPH 62.111</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each category found in Section 62.140</td>
<td>General Yard Requirements in 63.100</td>
<td>How Yards can be used in 63.120</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
</tr>
</tbody>
</table>

| Multi-Family Residential Less Than 4 Stories | SEE PARAGRAPH 62.284 FOR REQUIREMENTS | 65 | R | A | 12 | T | III |
| Multi-Family Residential 4 Stories or More | SEE PARAGRAPH 62.286 FOR REQUIREMENTS | 65 | R | A | 12 | T | IV |
| Group Residential Care | SAME AS COMPARABLE MULTI-FAMILY RESIDENTIAL | 65 | R | A | 12 | T | H | IV |
| Semi-Transient Accom. | SAME AS COMPARABLE MULTI-FAMILY RESIDENTIAL | 65 | R | A | 12 | T | IV |
| Congregate Housing | SAME AS COMPARABLE MULTI-FAMILY RESIDENTIAL | 65 | R | A | 12 | T | IV |
| Offices | 15 | 10 | 8 | 7AM-10PM | B | A | 15.5 | T | D | V |
| Transient Accommodations | 15 | 10 | 8 | 7AM-10PM | B | A | 15.5 | T | D | IV |
| Personal Service | 15 | 10 | 8 | 7AM-10PM | B | A | 15.5 | T | D | VI |
| Educational Service | 15 | 10 | 8 | 7AM-10PM | B | A | 15.5 | T | D | VI |
| Medical Facilities | MINIMUM SETBACK FROM PROPERTY LINES:30 FEET | 6AM-10PM | b | a | 15.5 | T | A | VI |
| Nursing & Personal Care | MINIMUM SETBACK FROM PROPERTY LINES:30 FEET | 6AM-10PM | b | a | 15.5 | T | A | IV |
| Transportation Services | 15 | 10 | 8 | 6AM-10PM | b | a | 15.5 | T | A | VI |
| Standard Restaurant | 15 | 10 | 8 | 6AM-10PM | b | a | 15.5 | T | A | VI |
| Indoor Athletic Facility | 15 | 10 | 8 | 6AM-10PM | b | a | 15.5 | T | J | V |
| Parking Facilities | 15 | 5 | 5 | 15.5 | B | R | 15.5 | V |
| Area Accessory Dvlpmnt | MINIMUM SETBACK FROM PROPERTY LINES:30 FEET | A | A | 12 | T | 62.936 | IV |
| Neighborhood Retail | 15 | 10 | 8 | 6AM-10PM | B | A | 15.5 | T | A | V |
| Neighborhood Food Sales & Service | 15 | 10 | 8 | 6AM-10PM | B | A | 15.5 | T | A | V |
62.450 DETAILED USE REGULATIONS; CENTRAL DEVELOPMENT CORE:

The following paragraphs identify specific requirements applicable to certain types of permitted uses identified in the Zoning District Tables contained in this Article.

62.451 Determining Type III Reviews in the Central Development Core: Uses in the Central Development Core will be processed as Type III uses when the following conditions are found to exist:

1) The proposed use involves a designated Type III use.

2) The proposed development will exceed the maximum floor area ratio established for the CDC subarea (6 in the CBD, 4 in the Fringe, 1.5 in the Medical area) where the project is located.

3) The development involves major changes in the existing public infrastructure, including such items as street closings, trunk sewer/water/steam line relocations, or new access points on any arterial or expressway.

4) The off-street parking requirements for the development, when calculated at the rates applicable to be used in the CDC-Fringe, would equal or exceed five (5) percent of the existing supply of off-street parking spaces in the district.

5) Any expansion in floor area totaling more than fifty (50) percent of the existing floor area of the building which results in the entire development exceeding the floor area limits for the district.

6) Any development adjacent to publicly owned land or facilities (other than right-of-way) which involves changes to these facilities in order to allow for completion of the project.

62.452 Light Industrial Uses in the Central Development Core: Such uses shall not occupy the ground floor street frontage of any building in the district. The street frontage of the building may be used by the same business but activities shall be devoted to non-industrial types of uses such as offices or customer showroom.

62.453 Nursing Homes in the Central Development Core: In the Central Development Core Nursing and Personal Care Facilities are subject to the same intensity and site appearance controls as are applicable to other permitted uses in the district, such as offices.

62.454 Research and Testing in the Medical Subarea of the Central Development Core: In the Medical Subarea of the Central Development Core uses permitted under the category of Research and Testing shall be related to the medical community/industry either by providing support services to existing institutions within the subdistrict or by providing research in the field of medicine on an independent basis.

62.455 Manufactured Home Parks in the Central Development Core: Refer to Paragraph 62.262 (3) for the regulations applicable to Manufactured Home Parks. The General Zoning District Standards in the R-3 Zoning District for Manufactured Home Parks are applicable to Manufactured Home Parks in any of the sub-areas of the Central Development Core. There are specific Site Appearance Standards for the various sub-areas of the Central Development Core applicable to Manufactured Home Parks with the exception of the Central Business District sub-area. The Site Appearance Standards for Manufactured Home Parks in the Fringe Area of the Central Development Core are applicable to Manufactured Home Parks in the Central Business District sub-area.

62.460 CORE NEIGHBORHOOD ZONING DISTRICT TABLES.
The zoning district tables contained in this article contain the basic lot development standards and site appearance controls applicable to uses in the Core Neighborhood Area surrounding the Central Development Core.

62.461 CORE NEIGHBORHOOD – NEIGHBORHOOD RESIDENTIAL DISTRICT.

This article lists the standards applicable to uses permitted in the Neighborhood Residential District of the Core Neighborhood Area, the “CN-NR District.”
### 62.462 CN-NR GENERAL DISTRICT STANDARDS

The following table identifies the general zoning district standards applying to uses in the CN-NR Zoning District.

**COMMENTARY:**
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**ABBREVIATIONS/SYMBOLS in the table:**
- % stands for “percentage”

**The CN-NR District is a residential zone that will also be regulated by Sections 62.260 and 62.270 as amended.**

**NUMBERS IN BRACKETS [ ] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE**

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Use Type</th>
<th>Applicable Detailed Regulations</th>
<th>Addition al Regulations</th>
<th>DENSITY FACTOR</th>
<th>FLOOR AREA RATIO</th>
<th>Minimum Lot Size (L) or Site Area (S)</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Permitted Maximum Height (in feet)</th>
<th>REQUIRED OFF-STREET PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CATEGORIZATION</strong></td>
<td><strong>PRIMAR Y REFERENCE</strong></td>
<td><strong>PARAGRAPH</strong></td>
<td><strong>NOTES</strong></td>
<td><strong>ABBREVIATIONS/SYMBOLS in the table:</strong></td>
<td><strong>DEFINITION OF LANDSCAPE AREA</strong></td>
<td><strong>DEFINITION OF HEIGHT</strong></td>
<td><strong>SEE DEFINITION OF PARKING AND PARAGRAPH H 62.121</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>I See Def. Dwelling 1 Fam. Detached</td>
<td>62.266(1)</td>
<td>64.132</td>
<td>4000(L)</td>
<td>20%</td>
<td>35</td>
<td>1 PER NEW DWELLING UNIT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>I (New Building) III (Conversion)</td>
<td>62.491</td>
<td>62.266(1)</td>
<td>64.132</td>
<td>5000(L)</td>
<td>20%</td>
<td>35</td>
<td>1 PER NEW DWELLING UNIT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Performance Residential Townhouse</td>
<td>I</td>
<td>62.261</td>
<td>62.266(1)</td>
<td>64.132</td>
<td>Density based on lot area per unit. 2500 SF per Unit for 2 Unit townhouse buildings. 2000 SF per Unit for Attached townhouse Buildings with 3 units</td>
<td>2500 SF per unit for 2 unit buildings; 2000 SF per unit in a 3 unit building (S)</td>
<td>20%</td>
<td>22%</td>
<td>35</td>
<td>1 PER NEW DWELLING UNIT</td>
<td></td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>VAR</td>
<td>62.262(3)</td>
<td>62.266(1)</td>
<td>64.132</td>
<td>6000(L)</td>
<td>50%</td>
<td>62.262(3)(b) (15)(g)</td>
<td>35</td>
<td>2 PER MANUFACTURED HOME</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Residential Care</td>
<td>VAR</td>
<td>62.263(2)</td>
<td>62.266(1)</td>
<td>64.132</td>
<td>6000(L)</td>
<td>50%</td>
<td></td>
<td>35</td>
<td>1 SPACE/EMP LARGEST SHIFT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substantial Land Alteration</td>
<td>VAR</td>
<td>62.264(1)</td>
<td>(2)</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>30</td>
<td>1 PER EMPLOYEE ON LARGEST SHIFT</td>
</tr>
<tr>
<td>Sand or Gravel Excavation</td>
<td>VAR</td>
<td>62.290</td>
<td>62.293</td>
<td>.25</td>
<td>.40</td>
<td>62.932</td>
<td>40%</td>
<td></td>
<td>35</td>
<td>SEE PARAGRAPH H 62.935</td>
<td></td>
</tr>
<tr>
<td>Agricultural Operations</td>
<td>VAR</td>
<td>62.290</td>
<td>62.293</td>
<td>.25</td>
<td>.40</td>
<td>62.932</td>
<td>40%</td>
<td></td>
<td>35</td>
<td>SEE PARAGRAPH H 62.935</td>
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</tr>
</tbody>
</table>

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**C H A P T E R 62 - Updated June 2019**

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### 62.463 CN-NR Site Appearance Standards

The standards in this table identify the site appearance standards applying to uses in the CN-NR Zoning District.

**Commentary:**
- The row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.
- The row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

**Abbreviations/Symbols in the table:**
- Stnd is the abbreviation for “Standards”
- CATEG is the abbreviation for “Category of Standards”
- List of Permitted Uses
- SETBACKS AND YARDS
- Minimum Width at Building Line
- APPEARANCE CONTROL STANDARDS
- Site Location Requirement
- Buffer Yard Indicator

### Table: Site Appearance Standards

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width at Building Line</th>
<th>APPEARANCE CONTROL STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Required Front Yard</td>
<td>Side Yard Least Width</td>
<td>Minimum Sum of Side Yards</td>
</tr>
<tr>
<td><strong>PRIMARY REFERENCE</strong></td>
<td><strong>PARAGRAPH 62.111</strong></td>
<td><strong>PARAGRAPH 63.111</strong></td>
<td><strong>PARAGRAPH 63.110(2)</strong></td>
<td><strong>PARAGRAPH 62.123</strong></td>
</tr>
<tr>
<td><strong>NOTES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Description of each category found in Section 62.140**
- General Yard Requirements in 63.100
- How Yards can be used in 63.120

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>SETBACKS AND YARDS</th>
<th>Minimum Width at Building Line</th>
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</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Required Front Yard</td>
<td>Side Yard Least Width</td>
<td>Minimum Sum of Side Yards</td>
</tr>
<tr>
<td><strong>PRIMARY REFERENCE</strong></td>
<td><strong>PARAGRAPH 62.111</strong></td>
<td><strong>PARAGRAPH 63.111</strong></td>
<td><strong>PARAGRAPH 63.110(2)</strong></td>
<td><strong>PARAGRAPH 62.123</strong></td>
</tr>
<tr>
<td><strong>NOTES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FOOTNOTES:**
- [3] Refer to Section 63.226 Subd. 4 for standards of development signs.
- [4] Refer to 63.112 6.) for build-to-line requirements
62.490  DETAILED USE REGULATIONS; CORE NEIGHBORHOOD AREA

The following sections identify specific requirements applicable to certain types of permitted uses identified in the zoning district tables contained in this article.

62.491  Conversion of an Existing Single Family Detached Dwelling.  Subdivision 1.  The conversion of an existing detached single-family dwelling to a higher density use on the same lot is prohibited except as permitted by subdivision 2 as a Type III Use (Conditional Use Permit.)

Subd. 2.  Type III Use:  Where an existing detached single-family dwelling exceeds 4,000 square feet in Gross Floor Area and is situated on a lot that meets or exceeds the minimum lot area required for the proposed use and all other applicable zoning standards can be met, a conversion of the existing dwelling may be considered for approval if it is determined that:

A.  the existing home is either presently out-of-character with the with other single family detached dwellings on the block (both sides of the street) because of its overall mass or appearance or in character with other existing converted dwellings on the same block;

B.  the existing house is presently designed so that the conversion can be made without greatly modifying the exterior appearance of the dwelling and specifically that the entry door to the new unit can share the existing front entrance to the existing dwelling or if a new ground floor entry door is necessary it can be situated on the side of the dwelling or the new entry door is taken from the rear wall of the dwelling; and

C.  fire exiting requirements can be met without altering the appearance of the dwelling from the street.

62.492  CN-NR Design Requirements.  Subdivision 1.  Design requirements must be met for a new principal structure or building (dwelling).  In certain instances, when an addition or modification to an existing structure or building has a building permit value that exceeds by 50% the present Olmsted County assessor’s estimated market building value, the entire building or structure may be required to conform to all of the design requirements of the district.  Certain modifications may be required to meet a specific design requirement without all other design requirements being met.

Subd. 2.  Any structures or buildings legally established prior to these design requirements are not considered non-conforming.  However, alterations or changes shall not further reduce the current level of compliance with the design requirements.

Subd. 3.  All new dwellings or existing dwellings modified to an extent greater than 50% of the present assessor’s market building value must have an entry door on the wall or façade of the dwelling that faces the public street with at a minimum a covered, stoop, porch, patio/landing at least 3’ by 3’ in size in front of the entry door.  The covering roof must be at least four feet wide, extend out from the wall at least three feet, be centered on the stoop/porch/patio-landing and made of similar materials found on the exterior of the home.

Subd. 4.  An enclosed porch part of a new dwelling, a new enclosed porch added to an existing dwelling or an existing open porch to be enclosed with walls, screened walls or windows must have a minimum depth from the front façade of the dwelling of six feet, the minimum dimension of any visible supporting columns, posts or pillars must be six inches and the front or side walls enclosing the porch must be 50% transparent with either clear glazing, screens or a combination thereof.  If the porch is enclosed only by a railing,
the railing must have a bottom horizontal rail that is at least three inches above and parallel to the porch floor or deck.

Subd. 5. All new dwellings or existing dwellings modified to an extent greater than 50% of the present assessor’s market value must have a paved sidewalk at least 3 feet in width from the public sidewalk, or from the curb of the street if no sidewalk is present, to the front stoop, porch, patio or landing of the dwelling leading to the front door of the dwelling.

Subd. 6. At least 20% of the front façade of a dwelling must be windows or doors and at least 10% of all other walls of a dwelling must be made up of windows or doors. All front façades or walls of a new dwelling must conform to these minimum standards upon initial construction; additions to a dwelling that would result in the area of a single front façade or other wall(s) of an existing dwelling to increase in area by 50% or more must be designed and built so the entire modified façade or wall conforms to the design standards but not the entire dwelling; additions that result in an increase in façade or wall area of less than 50% are not required to meet the minimum window or door opening standard; if an existing window or door is removed, the minimum requirement of door and window openings for the existing façade or existing wall cannot be reduced below the required percentage.

Subd. 7. All new single family detached dwellings must have a minimum of 750 square feet of habitable floor area and no level of modification to an existing dwelling of less than 750 square feet shall require conformance with this standard.

Subd. 8. Poured concrete, flat (non-textured) concrete masonry units (blocks), asphalt shingles or rolled asphalt siding are prohibited as the final exterior finish of the portion of any façade or wall of a dwelling that is three (3) feet or more above the adjacent grade on a new dwelling or whenever the exterior siding material of an existing dwelling is changed; all exposed, exterior wood surfaces on a façade or wall must be painted or stained; all exterior doors and windows must be surrounded by finish trim with a minimum dimension of at least 2 and one-half inches when installed on new dwelling, or when the exterior siding material on an existing dwelling is changed.

Subd. 9. Any newly installed horizontally oriented lap siding shall have an exposure width of no more than six inches unless it is matching existing siding that is remaining in place on the dwelling.

Subd. 10. New fire-escape facilities shall not be attached to the front façade of a dwelling.

Subd. 11. All rain downspouts attached to buildings must be exited and directed to a rain barrel or cistern, a rain garden or a non-eroding pervious surface.

Subd. 12. On lots where an alley is present to provide access, additional curb cuts on the public street shall be prohibited. An Administrative Departure may be requested from the Director of Public Works where, due to special conditions, this requirement cannot be satisfied.

Subd. 13. For new dwellings, any portion of a street-facing façade that contains an attached garage door may occupy no more than fifty percent (50%) of the width of that building facade, measured at grade. The portion of the street-facing façade that contains the garage door may not extend forward or toward the street any more than the rest of the façade for the dwelling.
Subd. 14. New residential projects must provide on the site at least one 2 inch diameter canopy tree meeting the plant material standards of the LDM per new dwelling unit on the site.

Subd. 15. Every existing subdivided lot abutting a public street with a boulevard should have at least one boulevard tree. If an existing lot does not have a boulevard tree and there is adequate room to plant a tree according to the City Arborist, a boulevard tree meeting City of Rochester standards must be planted when a new dwelling is built or when an addition or modification to an existing structure or building (dwelling) has a building permit value that exceeds by 50% the present Olmsted County assessor’s estimated market building value. All other boulevard tree requirements would meet present City policies.

Subd. 16. One foundation plant for every four (4) feet of front façade of a dwelling shall be required whenever a new dwelling or porch is built. The plantings shall conform to the minimum plant sizes of 63.154 and be situated along the front of the dwelling or porch foundation to screen the visibility of the foundation from the street.

Subd. 17. All new ground mounted air conditioning/heating units; gas meters; electric meters, transformers or panels; television/computer cable boxes; or other similar utility service connection that are visible from the public sidewalk adjacent to the property must be screened to the extent legal and practical with shrubs, ornamental grasses or perennial plants.

Subd. 18. The perennial grass-cover of the front yard of all new development must be established by the installation of perennial sod.
**DEVELOPING DISTRICT TABLES:**

The Zoning District Tables contained in this article contain the basic lot development standards and site appearance controls applicable to uses in any of the Developing Zoning districts.

**D-LDR: DEVELOPING DISTRICT/LOW DENSITY RESIDENTIAL AREA**

This section lists the standards applicable to uses allowed in the D-LDR District.

**DEVELOPING DISTRICT/LOW DENSITY RESIDENTIAL AREA – PERMITTED USE TABLE**

The following table identifies the permitted uses allowed within the Developing Low Density Residential District. The location of permitted uses is controlled by the zoning or existing land use on adjacent lands. To use the table, identify the proposed use in the left column, the adjacent use in the row across the top, and match the two entries within the matrix of the table to determine if the proposed use is permitted at the location under consideration, and under what process (Type I, II, or III Review Procedure). The permitted use is controlled by the most restrictive use column, except where the location meets the definition of a transitional lot (located next to an Established or Provisionally zoned nonresidential district). In the case of a Transitional lot, refer to Section 62.730 for guidance on which column within the table to use. Numbers in brackets [ ] refer to FOOTNOTES at the bottom of the table.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Potential Uses Permitted Under the Developing District Regulations</th>
<th>EXISTING ZONING OR USE OF ADJACENT PROPERTY</th>
<th>DEVELOPING DISTRICT</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3 ZONING</th>
<th>B-1, B-5 OR B-4 ZONING</th>
<th>M-1, M-3 OR M-2 ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY REFERENCE</td>
<td>PARAGRAPH 62.111 SECTION 62.140</td>
<td>DEVELOPING DISTRICT</td>
<td>R-1 USE ACROSS LOCAL STREET</td>
<td>R-2 ZONING</td>
<td>R-3 ZONING</td>
<td>B-1, B-5 OR B-4 ZONING</td>
<td>M-1, M-3 OR M-2 ZONING</td>
<td></td>
</tr>
<tr>
<td>NOTES</td>
<td>Description of each Use category found in Section 62.140</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single Family Detached</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single Family Attached [1]</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Duplex</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Performance Residential [1]</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multi-Family Residential [2]</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Group Residential Care</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufactured Home Park</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Offices</td>
<td>I</td>
<td>II</td>
<td>II</td>
<td>II</td>
<td>II</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medical Facilities</td>
<td>III</td>
<td>III</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nursing &amp; Personal Care [3]</td>
<td>III</td>
<td>III</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Convenience Retail</td>
<td>I</td>
<td>II</td>
<td>II</td>
<td>II</td>
<td>II</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Funeral Home</td>
<td>I</td>
<td>II</td>
<td>II</td>
<td>II</td>
<td>II</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultural Operations</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Area Accessory Development</td>
<td>II or III</td>
<td>II or III</td>
<td>II or III</td>
<td>II or III</td>
<td>II or III</td>
<td>II or III</td>
<td>II or III</td>
</tr>
</tbody>
</table>

**FOOTNOTES:**

## DEVELOPING DISTRICT/LOW DENSITY RESIDENTIAL AREA – PERMITTED LAND INTENSITY

The following table identifies the permitted land intensity for Type I and Type II uses permitted in the Low Density Residential area of the Developing District. The unit of measurement is identified for each use type by the following symbols:

(L): Minimum Lot Size  
(D): Maximum Density Factor  
(F): Maximum Floor Area Ratio

<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>EXISTING ZONING OR USE OF ADJACENT PROPERTY</th>
<th>DEVELOPING DISTRICT</th>
<th>ESTABLISHED ZONING DISTRICTS</th>
<th>OTHER DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UNDEVELOPED LOW DENSITY</td>
<td>DEVELOPED LOW DENSITY</td>
<td>MEDIUM DENSITY</td>
<td>COMMERCIAL AREA</td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>5500(L)</td>
<td>5500(L)</td>
<td>5500(L)</td>
<td>5500(L)</td>
</tr>
<tr>
<td>Single Family Attached</td>
<td>3000(L)</td>
<td>3000(L)</td>
<td>3000(L)</td>
<td>3000(L)</td>
</tr>
<tr>
<td>Corner Lots</td>
<td>3500(L)</td>
<td>3500(L)</td>
<td>3500(L)</td>
<td>3500(L)</td>
</tr>
<tr>
<td>Duplex</td>
<td>7200(L)</td>
<td>7200(L)</td>
<td>6000(L)</td>
<td>6000(L)</td>
</tr>
<tr>
<td>Performance Residential</td>
<td>12.00(D)</td>
<td>9.00(D)</td>
<td>16.00(D)</td>
<td>16.00(D)</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>8000(L)</td>
<td>8000(L)</td>
<td>8000(L)</td>
<td>8000(L)</td>
</tr>
<tr>
<td>Group Residential Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Minimum Lot Size requirements are the same as those of Residential use type used to approve development)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offices</td>
<td>0.20(F)</td>
<td>0.20(F)</td>
<td>0.25(F)</td>
<td>0.30(F)</td>
</tr>
<tr>
<td>Medical Facilities</td>
<td>0.30(F)</td>
<td>0.30(F)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing &amp; Personal Care</td>
<td>9.00(D)</td>
<td>12.00(D)</td>
<td>12.00(D)</td>
<td></td>
</tr>
<tr>
<td>Convenience Retail</td>
<td>0.15(F)</td>
<td>0.15(F)</td>
<td>0.20(F)</td>
<td>0.25(F)</td>
</tr>
<tr>
<td>Funeral Home</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Operations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area Accessory Development</td>
<td>0.25(F)</td>
<td>0.25(F)</td>
<td>0.30(F)</td>
<td>0.35(F)</td>
</tr>
</tbody>
</table>
### DEVELOPING DISTRICT/LOW DENSITY RESIDENTIAL AREA: APPEARANCE AND SITE DEVELOPMENT STANDARDS

The following table identifies the applicable appearance and site design standards which apply to permitted uses in the Low Density Area of the Developing District. Reference to appropriate sections of this ordinance defining the standards are included at the top of the table in rows labeled PRIMARY REFERENCE and NOTES. Numbers in brackets [ ] refer to FOOTNOTES at the bottom of the table.

<table>
<thead>
<tr>
<th>CATEGORY OF STANDARDS</th>
<th>List of Permitted Uses</th>
<th>Applicable Regulations</th>
<th>Minimum % of Landscape Area</th>
<th>Minimum % of Recreation Space</th>
<th>Minimum Side Yard</th>
<th>Side Yard Load Width</th>
<th>Minimum Sum of Side Yards</th>
<th>Minimum Rear Yard</th>
<th>Maximum Permitted Height</th>
<th>Exterior Lighting</th>
<th>Sign Regulations</th>
<th>Landscape Material/Point Base</th>
<th>Exterior Storage Regulations</th>
<th>Site Location Requirement</th>
<th>Bufferyard Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES</td>
<td>Description of each Use Category found in Section 62.140</td>
<td>Regulations found in Sec. 62.260</td>
<td>General Regulations Sec. 63.130</td>
<td>General Regulations Sec. 63.140</td>
<td>General Yard Requirements in 63.100</td>
<td>Exceptions Listed Par. 60.444</td>
<td>Section 63.210</td>
<td>Section 63.220</td>
<td>Section 63.230</td>
<td>Section 63.240</td>
<td>Section 63.250</td>
<td>Section 63.260</td>
<td>Regulations for Off-street Parking in Section 63.400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Attached</td>
<td>62.266(1)</td>
<td>40%</td>
<td>NR</td>
<td>25</td>
<td>10 [1]</td>
<td>16</td>
<td>25</td>
<td>35</td>
<td>R</td>
<td>R</td>
<td>NA</td>
<td>R</td>
<td>I</td>
<td>2 PER NEW DWELLING UNIT</td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>62.266(1)</td>
<td>40%</td>
<td>NR</td>
<td>25</td>
<td>6 [2]</td>
<td>16</td>
<td>25</td>
<td>24</td>
<td>R</td>
<td>R</td>
<td>NA</td>
<td>R</td>
<td>I</td>
<td>2 PER NEW DWELLING UNIT</td>
<td></td>
</tr>
<tr>
<td>Performance Residential</td>
<td>62.261</td>
<td>50%</td>
<td>20%</td>
<td>See Par. 62.283-62.285 for Yard Requirements</td>
<td>24</td>
<td>R</td>
<td>T</td>
<td>2 PER NEW DWELLING UNIT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-4 d.w. per acre</td>
<td>8.5</td>
<td>II</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>&gt;4-8 d.w. per acre</td>
<td>12</td>
<td>II</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt;8-12 d.w. per acre</td>
<td>15.5</td>
<td>III</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt;12-16 d.w. per acre</td>
<td>18</td>
<td>III</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>62.514(2)</td>
<td>62.126</td>
<td>62.266(1)</td>
<td>40%</td>
<td>NR</td>
<td>25</td>
<td>6 [2]</td>
<td>16</td>
<td>25</td>
<td>24</td>
<td>R</td>
<td>R</td>
<td>15.5</td>
<td>T</td>
<td>III</td>
</tr>
<tr>
<td>Group Residential Care</td>
<td>62.263(2)</td>
<td>45%</td>
<td>NR</td>
<td>25</td>
<td>6 [2]</td>
<td>16</td>
<td>25</td>
<td>24</td>
<td>R</td>
<td>R</td>
<td>NA</td>
<td>T</td>
<td>H</td>
<td>II</td>
<td>1 PER EMPLOYEE</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>62.263(3)</td>
<td>50%</td>
<td>62.263(3)(b)(15)(g)</td>
<td>62.263(3)(c)(3)(g)</td>
<td>24</td>
<td>R</td>
<td>R</td>
<td>12</td>
<td>R</td>
<td>2 PER MANUFACTURED HOME</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offices</td>
<td>50%</td>
<td>NA</td>
<td>25</td>
<td>10</td>
<td>NA</td>
<td>15</td>
<td>16</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>A</td>
<td>A</td>
<td>IV</td>
<td>1 PER 200 SQFT FLOOR AREA</td>
</tr>
<tr>
<td>Medical Facilities</td>
<td>62.263(3)</td>
<td>50%</td>
<td>NA</td>
<td>40</td>
<td>10</td>
<td>NA</td>
<td>15</td>
<td>24</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>D</td>
<td>III</td>
<td>5 PER PRINCIPAL MEDICAL PROFESSIONAL</td>
</tr>
<tr>
<td>Nursing &amp; Personal Care</td>
<td>62.514(3)</td>
<td>45%</td>
<td>NA</td>
<td>40</td>
<td>10</td>
<td>NA</td>
<td>15</td>
<td>24</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>D</td>
<td>III</td>
<td>1 PER EMP. ON LARGEST SHIFT PLUS 1 PER 6 BEDS</td>
</tr>
<tr>
<td>Convenience Retail</td>
<td>62.264(4)</td>
<td>50%</td>
<td>NA</td>
<td>30</td>
<td>10</td>
<td>NA</td>
<td>15</td>
<td>16</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>A</td>
<td>V</td>
<td>1 PER 150 SQFT FLOOR AREA</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>45%</td>
<td>NA</td>
<td>25</td>
<td>10</td>
<td>NA</td>
<td>15</td>
<td>16</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>C</td>
<td>III</td>
<td>1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING</td>
<td></td>
</tr>
<tr>
<td>Agricultural Operations</td>
<td>62.264(1)</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>24</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>62.936</td>
<td>IV</td>
<td>SEE PARAGRAPHS 62.935</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area Accessory Dwelling</td>
<td>62.930</td>
<td>40%</td>
<td>NA</td>
<td>40</td>
<td>20</td>
<td>NA</td>
<td>20</td>
<td>24</td>
<td>A</td>
<td>A</td>
<td>15.5</td>
<td>T</td>
<td>62.936</td>
<td>IV</td>
<td>SEE PARAGRAPHS 62.935</td>
</tr>
</tbody>
</table>

**FOOTNOTES:**

[1] The yard for single family attached dwellings may be reduced to 8 feet when the garage is attached in front of the dwelling.
[2] The minimum side yard shall be 8 feet for structures greater than 2 stories in height.
Developing Low Density Residential District Table Footnotes: The following special requirements apply to certain uses in the D-LDR District:

1) Attached dwellings and duplexes are permitted under the Type I Review Procedure at a net density of less than 7.5 dwelling units per acre when adjacent to Single Family detached dwellings in the R-1 District. Performance residential development is permitted under the Type I Review Procedure at a density factor of less than 5.5 dwelling units per acre when adjacent to single family detached dwellings in the R-1 district. Transitional lot regulations supersede this paragraph when applicable.

2) The only style of multifamily residential use permitted in the low density residential area of a developing district is a 3 or 4plex.

3) Nursing and personal care facilities are calculated at the equivalent of six residents for each dwelling unit permitted in Table 62.512.
62.600 INCENTIVE DEVELOPMENT:

This section of the ordinance establishes standards for permitted uses in each zoning district to insure that the public health, safety, and welfare are protected. Certain actions by landowners, however, can make higher intensity development on tracts more attractive and publicly acceptable. Such actions include those which enhance the environment (additional open space amenities), which improve public safety (traffic and pedestrian amenities), which lead to more efficient and lower cost development (design features), or which promote desirable social objectives (such as the provision of low and moderate income housing). It is the purpose of this section to define those features which the City of Rochester finds are of public benefit and which go beyond meeting the minimum public health, safety and welfare standards, and to provide applicants who provide these additional features additional density or floor area as a trade-off.

62.610 APPROVAL PROCEDURE FOR INCENTIVE DEVELOPMENT:

The Incentive Development approval procedure shall be a two-step process consisting of a Preliminary Development Plan and a Final Development Plan. The Preliminary Development Plan shall be reviewed under the Type III Review Procedure, with a Phase II Hearing Process utilized. The Final Development Plan shall be reviewed under the Type III Review Procedure, with a Phase III Hearing Process utilized.

62.611 Notifications: Notice of public hearing required under the Type III procedure shall be sent to all property owners within 350 feet of the boundaries of the site.

62.612 Submission Criteria: The submission criteria for an Incentive Development shall be the same as for a Conditional Use Permit, as outlined in Appendix B and Paragraph 60.504.

62.613 Staff Report: It shall be the responsibility of the Planning Department to prepare a report on the preliminary and final development plan for each Incentive Development application. The report shall contain at a minimum a summary of the applicable criteria in Paragraph 62.630 and the staff's opinion on whether each of the criteria have been satisfied.

62.614 Changes to Approved Incentive Developments: The Zoning Administrator may authorize certain changes to approved developments. He shall be guided by the language of Paragraph 61.148 in approving such changes. Any other changes shall be processed through the Type III review procedure, with the Phase I hearing process utilized. The Commission shall be the designated hearing body.

62.620 STANDARDS FOR APPROVAL, PRELIMINARY DEVELOPMENT PLAN:

The Council shall approve a preliminary development plan if it finds that the development has addressed and satisfied all the criteria listed in section 62.630, subs. 1 and 2, or that a practical solution consistent with the public interest can be incorporated into the final development plans.

62.621 Standards for Approval, Final Development Plan: The Council shall approve or approve with conditions a final development plan if it finds that the development has satisfied all the criteria listed in section 62.630, subds. 1 and 3.

62.630 CRITERIA FOR INCENTIVE DEVELOPMENTS:

Subdivision 1. The Commission and Council shall approve an incentive development plan if it is determined the plan warrants the bonus density and floor area applied for, as determined in accordance with section 62.640, and the plan satisfies all of the Preliminary Development Plan findings provided in subdivision 2 and all of the Final Development Plan findings provided in subdivision 3:
Subd 2. The findings for the approval of a Preliminary Incentive Development Plan are as follow:

A. **Suitability of the Plan:** The Commission and Council shall find that the proposed development plan is suitable as the location for an Incentive Development based on consideration of the following factors:

   (1) The proposed development plan is compatible with the existing land uses in the area or the pattern of zoning within 1,000 feet of the property boundaries; and

   (2) The natural characteristics of the site under consideration, including topography and soil characteristics, necessitate increased density to allow for economic development of the site.

B. **Site Design Criteria:** The Commission and Council shall find that the preliminary development plan design is consistent with the following guidelines:

   (1) **Capacity of Public Facilities:** The existing or future planned public facilities in the area are adequate to serve the proposed development.

   (2) **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., has been identified and the development of these areas has been taken into account or will be addressed in the final development plan.

   (3) **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.

   (4) **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements or the need for improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.

   (5) **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development in the following manner:

      (a) The structures will not deny adequate sunlight to surrounding properties; and

      (b) The siting of the structures will not destroy views from the primary exposures of adjacent residential dwellings.

   (6) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.

   (7) **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.

   (8) **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
(9) **Ordinance Requirements**: The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.

(10) **Non-Vehicular and Alternate Modes of Travel**: The proposed development incorporates pedestrian oriented-space, provides direct and convenient pedestrian access to the building entrance(s) from public trails, public sidewalks, and on or off-site parking areas, incorporates appropriated pedestrian safety features, provides convenient pedestrian access for transit patrons, or, if appropriate, access for transit vehicles, and provides adequate bicycle access. Consideration shall also be given, to providing designated motorized scooter parking if appropriate to the context of the development (the use, location, type of individuals served).

(11) For properties located in a corridor or planning area for which a detailed Master Plan has been adopted by the Council as an element of the Comprehensive Plan (including but not limited to the Second Street Corridor Plan), the proposed development is consistent with the matters detailed in the plan, such as the design framework, land use pattern, circulation pattern, streetscape improvements, and other plan elements.

Subd 3. The findings for the approval of a Final Incentive Development Plan are as follows:

A. **Public Facility Design**: The design of private and public utility facilities meet the requirements and specifications which the applicable utility has adopted.

B. **Geologic Hazard**: Engineering means to deal with areas of geologic hazard have been incorporated into the development plan or such areas have been set aside from development.

C. **Access Effect**: Ingress and egress points have been designed and located so as to address concerns identified in Phase I regarding the operation of access points, and plans for private improvements or evidence of planned public improvements which will alleviate the problems have been provided.

D. **Pedestrian Circulation**: The plan includes elements to assure that pedestrians can move safely both within the site and across the site between properties and activities within the neighborhood area, and, where appropriate, accommodations for transit access are provided.

E. **Foundation and Site Plantings**: A landscape plan for the site has been prepared which indicates the finished site will be consistent with the landscape character of the surrounding area.

F. **Site Status**: Adequate measures have been taken to insure the future maintenance and ownership pattern of the project, including common areas, the completion of any platting activities, and the provision of adequate assurance to guarantee the installation of required public improvements, screening and landscaping.

G. **Screening and Bufferyards**: The final screening and bufferyard design contains earth forms, structures and plant materials which are adequate to satisfy the needs identified in preliminary development plan for the project.

H. **Final Building Design**: The final building design is consistent with the principles identified in preliminary development plan relative to Height Impact, Setbacks, and Internal Site Design.

I. **Internal Circulation Areas**: Plans for off-street parking and loading areas and circulation aisles to serve these areas meet ordinance requirements in terms of design.
J. **Ordinance Requirements**: The proposed development is consistent with the requirements of the underlying zoning district for similar uses in regards to signage and other appearance controls, and with general standards such as traffic visibility and emergency access.

K. **Non-Vehicular and Alternate Travel Modes**: The proposed development incorporates pedestrian oriented-space, provides direct and convenient pedestrian access to the building entrance(s) from public trails, public sidewalks, and on or off-site parking areas, incorporates appropriated pedestrian safety features, provides convenient pedestrian access for transit patrons, or, if appropriate, access for transit vehicles, and provides adequate bicycle access. Consideration shall also be given, to providing designated motorized scooter parking if appropriate to the context of the development (the use, location, type of individuals served).

L. For properties located in a corridor or planning area for which a detailed Master Plan has been adopted by the Council as an element of the Comprehensive Plan (including but not limited to the Second Street Corridor Plan), the proposed development is consistent with the matters detailed in the plan, such as the design framework, land use pattern, circulation pattern, streetscape improvements, and other plan elements.

**62.640 BONUS DENSITY OR FLOOR AREA:**

The amount of bonus density will be negotiated with the Commission and Council during the Type III review process. Density bonuses are granted in exchange for the incorporation of features determined to be of public benefit. The features to be considered are listed in Paragraphs 62.651 through 62.659. The features to be used can be chosen at the option of the applicant.

**62.650 CATEGORIES OF BONUSES:**

Eight categories of incentive features are established. Each category is designed to address a different, development character or level of development intensity.

**62.651 Low Density Residential Development**: Subdivision 1. The criteria listed in this section will be considered in granting bonus density in the R-1, **CN-NR**, R-1x, R-2, and Developing (Low Density Residential) Districts.

Subd. 2. **Energy Conservation**: The design of the site and building layout is such as to reduce or provide for the potential reduction in energy consumption. Features to be considered are:

A. Building orientation to take maximum advantage of the sun;

B. Higher densities on south facing slope;

C. The use of innovative housing styles, such as underground housing, that have a demonstrated effect for saving energy;

D. Demonstrated protection of solar access through the use of solar access covenants; and

E. The use of landscape forms and plantings to provide shading in summer, but sunlight in the winter, and to provide windbreaks against the prevailing winter winds.
Subd. 3. The criteria listed in section 62.657.

Subd. 4. The criteria listed in section 62.658.

62.652 Medium Density Residential Development: The criteria listed in this paragraph will be considered in granting bonus density in the R-3 zoning districts:

1) Making provisions in the development for integration of double wide or other types of manufactured housing with site built dwellings.

2) Energy Conservation: Site design and building orientation laid out in such a manner so as to reduce or provide for the potential reduction in energy consumption. Features to be considered are:
   
a) The placement of higher densities on south facing slopes;

b) Taller buildings sighted towards the north portion of the site, but with sufficient setback so as not to shade properties to the north.

3) The criteria listed in Paragraph 62.657.

4) The criteria listed in Paragraph 62.658.

62.653 High Density Residential Development: The criteria listed in this will be considered in granting bonus density in the R-4 and CDC-Residential zoning districts:

1) A minimum of one parking space per unit is enclosed within a structure on the site or is located within 100 feet of the site and linked to the building by means of an enclosed walkway or other enclosed passage.

2) Architectural features designed to enhance the livability and amenity of the dwelling units, either individually or collectively, are included in the building design. Features to be considered are:
   
a) The use of increased setbacks, above the minimum ordinance requirement, along at least sixty (60%) percent of the walls;

b) The provision of observation decks or rooftop terraces;

c) The provision of balconies or other private outdoor spaces for the use of individual residences; or

d) The design of common open space on the lot in such a manner that direct sunlight reaches the space during the majority of the daylight hours.

3) Inclusion in the project of pedestrian oriented amenities such as designated off-street loading zones, heated or covered sidewalks, and multiple building entrances.

4) Provision of streetscape improvements by the developer, including boulevard landscaping, street lighting, or sitting areas where appropriate.

5) Security conscious design incorporating features such as elevators that are visible from adjacent public spaces, outdoor spaces that are visible from the lobby or the dwelling units, and the lighting of parking areas.

6) The criteria listed in Paragraph 62.657.
7) The criteria listed in Paragraph 62.658.

62.654 **Low Intensity Commercial Development**: The criteria listed in this paragraph will be considered in granting bonus floor area in the B-1 Districts:

1) The provision of off-street parking spaces in excess of that required by this ordinance when the development is located on a street classified as a collector or an arterial.

2) The provisions of off-street areas for freight unloading, deliveries, refuse pickup, and other services, provided such features are oriented away from adjacent residential areas or adequately screened from such areas.

3) The criteria listed in Paragraph 62.658.

62.655 **Nonresidential Development**: The criteria listed in Paragraph 62.658 will be considered in granting bonus floor area in the B-4, M-1, and M-2 zoning districts.

62.656 **Central Development Core**: The criteria listed in this paragraph will be considered in granting bonus floor area in the Central Development Core (CDC) District.

1) Architectural treatment that involves the restoration or enhancement of significant historical, architectural or cultural features of existing buildings, or new construction which is harmonious with existing development in that: a) it avoids abrupt changes in scale, or b) it incorporates increased setbacks at floors above the second story.

2) Buildings adjacent to or across the street from public open spaces located to the north are designed in such a manner so as to allow sunlight to enter such spaces over sixty (60%) percent of the daylight hours for up to nine months of the year.

3) The design of the development incorporates features which provide protection to pedestrian traffic from adverse climatic conditions. Such features include:

   a) Skyway or subway connections to adjacent buildings across right-of-way;

   b) Canopies or other exterior coverings over sidewalks;

   c) Heated sidewalks;

   d) Enclosed connections to public parking ramps, and

   e) Provision of off-street or protected passenger loading zones.

4) Provision of streetscape improvements which enhance the visual appearance and create a feeling of openness on the site as perceived at street level. Such amenities shall include boulevard plantings, street lighting, sitting areas equipped with benches, or other open space such as plazas or vest-pocket parks.

5) Making available space for small retail or business uses that have been displaced as a result of redevelopment occurring within the Central Development Core district.

6) When the development does not abut an alley, the provision of other means for off-street loading and deliveries.

62.657 **All Residential Development**: The criteria in this paragraph may be considered for granting bonus density in all residential developments districts.
1) **Proximity to Neighborhood Facilities**: The development is designed with a minimum of two bedrooms per unit and meets three of the following locational criteria in relation to neighborhood facilities.

   a) it is within 1/4 mile of a nursery school
   
   b) within 1/2 mile of an elementary school
   
   c) within 3/4 mile of a junior high school
   
   d) within 1/4 mile of a neighborhood playground
   
   e) within 1/2 mile of a neighborhood shopping center or 1/4 mile of a convenience retail use.

2) Dedication of land for public recreation use which is in excess of any ordinance requirements for usable recreation space. Facilities to be considered include playlots, neighborhood parks, community parks, special use parks, city squares or triangles, parkways or trail systems providing access to major public facilities or along environmental corridors.

3) Development within one-quarter mile of a bus shelter or the provision of a new bus shelter along an existing transit route.

4) Installation of noise buffers where the development is exposed to traffic-generated or industrially-generated noise exceeding the permitted residential noise level of this ordinance. The buffer shall reduce the level of noise to a level no more than five decibels above the permitted noise level.

5) **Site Planning**: Integrated design of the site, individual lots and floor plans so as to provide 1) a varied streetscape (through varying garage and dwelling unit entrance location, landscaped front yards designed as part of initial project, or building variations that create identity through the use of features such as setback variation, archways, chimneys or recessed areas) and 2) individual unit privacy, (through orientation of major indoor areas to private outdoor spaces or window placement in such a manner so as not to create sightlines into neighboring units or private outdoor areas).

6) **Housing for Low Income Households**: Aside from the other provisions of this section, any unit constructed for low income families shall earn a bonus of one (1) additional dwelling unit, up to the maximum density with bonus permitted. The units shall meet one of the following three requirements:

   a) They are provided under a contract with a governmental housing authority which provides assurance that the units will be made available to low income families for at least twenty-five (25) years;
   
   b) The units are subsidized by either the federal, state or local government;
   
   c) The development application is accompanied by covenant documents or other adequate documents guaranteeing the use of those dwellings for low income families. The documents shall not be accepted until approval by the City as to legal form and effect, providing that the use restriction be for at least 25 years.

   In no event shall this bonus be permitted where subsidized or guaranteed units constitute more than thirty (30%) percent of a development, except where the development consists of less than ten (10) dwelling units.

7) **Storm Shelter**: The providing of storm shelter space in accordance with the provisions of Paragraph 62.266(3).
All Development: The criteria in this paragraph may be considered for granting bonus density in all developments:

1) Storm Water Management: The developer provides on-site or off-site improvements to stormwater facilities that will minimize existing flooding, erosion or siltation problems resulting from obsolete or non-existing stormwater facilities up or downstream from the tract in question; or the developer provides improvements such as over-sized retention basins, channel improvements, or recharge facilities which reduce or eliminate existing flooding, erosion or siltation caused by urban development either up or downstream. The City Council shall determine that the existing problems are sufficient to grant the bonus, based upon the recommendation of the City Engineer.

2) The development proposes to integrate the reuse of an existing structure which has been vacant for 24 consecutive months.

3) Easements consistent with the flood control project are provided, or other bank treatment or river beautification which will result in increased usage of the area along existing streams for walking, sitting, or other means of passive recreation are developed.

4) Street improvements normally provided by the City of Rochester are constructed, dedicated or paid for by the developer. Examples include the provision of right-of-way for arterial streets beyond that normally required to be dedicated, or the construction or payment for turn lanes, signal lights, increased pavement depths, etc.

5) Utility Service: The development of the site will lead to increased efficiency in the existing public utility delivery system or the more efficient use of already existing utilities. This means, a) that the necessary utilities already exist on the property to be served, or b) the development of the property will provide a necessary link or connection to complete the system or improve service.

6) Integrated Planning: The proposed development involves the integrated development of a site which is a minimum of one acre in size and located in an established district.

7) Each four (4) percent increase in the landscape area ratio above the minimum required shall be considered as meeting the criteria for bonus density/floor area or an increase in plant materials so as to exceed minimum requirements.

8) The proposed development minimizes access points by utilizing shared access points with adjacent developments, resulting in a reduction in the number of driveway openings on a collector or higher level street.

9) Parking lot landscaping for the purpose of screening residential areas and/or right-of-way areas from concentration of vehicles.
62.700 **RESTRICTED DEVELOPMENT**

Certain mixtures of land uses which are not allowed within a given zoning district on a permitted or conditional basis can, if regulated, serve both the public interest and allow a more equitable balancing of private interests than that achieved by strict adherence to standard zoning regulations. The regulations of this article recognize and provide encouragement for innovation and experimentation in the development of land that would otherwise not be possible under the zoning district regulations established by this ordinance.

62.701 **Approval Procedures for Restricted Developments:** All types of Restricted Development are identified as Type I, II or III uses in Sections 62.720 through 62.760, and are processed according to the Type I, II or III Review Procedures accordingly. For Type III Restricted Developments, a two-step review process consisting of a Preliminary Development Plan and a Final Development Plan shall be utilized. The Preliminary Development Plan shall be reviewed under the Type III Review Procedure, with a Phase II Hearing Process utilized. The Final Development Plan shall be reviewed under the Type III Review Procedure, with a Phase III Hearing Process utilized.

62.702 **Notifications:** Notice of Proposed Action required under the Type II procedure shall be sent to all owners of property directly abutting the site under consideration, or who are separated from it only by a street, alley, railroad right-of-way, walkway or watercourse. Notice of Public Hearing required under the Type III Procedure shall be sent to all property owners within 350 feet of the boundaries of the site.

62.703 **Submission Criteria:** The submission criteria for a Type I Restricted Development shall be the same as for a Zoning Certificate, as outlined in Appendix B and Paragraph 60.504. The submission criteria for a Type II or III Restricted Development shall be the same as for a Conditional Use Permit, as outlined in Appendix B and Paragraph 60.504.

62.704 **Criteria for Type I and Type II Developments:** In reviewing applications for Type I or II Restricted Developments, the Zoning Administrator will review the proposal to determine if it is in conformance with the regulations of the applicable sections in this Article and that it is consistent with other ordinance criteria that may apply. If the Zoning Administrator is satisfied that the proposal meets all criteria, he may issue a zoning certificate for a Type I development, or he may grant preliminary approval for a Type II development subject to notifying the Commission of his decision as required in the Type II process.

62.705 **Staff Report for Type III Restricted Developments:** It shall be the responsibility of the Planning Department to prepare a report containing, at a minimum, a summary of the applicable criteria listed in Paragraph 62.708 and the staff's opinion on whether each of the criteria have been satisfied.

62.706 **Standards for Approval, Preliminary Development Plan:** The Council shall approve a preliminary development plan if it finds that the development has addressed and satisfied all the criteria listed in Paragraph 62.708 Subd 2, or that a practical solution consistent with the public interest can be incorporated into the final development plan, or a modification for unmet criteria has been granted as provided for in Paragraph 62.712.

62.707 **Standards for Approval, Final Development Plan:** The Council shall grant final approval to a Type III Restricted Development if it finds (a) the development satisfies the Preliminary Development Plan Standards for Approval listed in Section 62.706; (b) the development satisfies the applicable criteria listed in Paragraph 62.708 Subd 3, or a modification for any unmet criteria has been granted as provided in Section 62.712; and (c) there is an executed development agreement which identifies, and commits the developer to complete, those aspects of the site plan specified by the Council.
Criteria for Type III Developments: Subdivision 1. The Commission and Council shall approve a type III incentive development plan if it determines the plan satisfies all of the Preliminary Development Plan findings provided in subdivision 2 and all of the Final Development Plan findings provided in subdivision 3.

Subd 2. The findings for the approval of a Preliminary Type III Development Plan are as follows:

A. Capacity of Public Facilities: The existing or future planned public facilities in the area are adequate to serve the proposed development.

B. Geologic Hazards: The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., have been identified and the development of these areas has been taken into account or will be addressed in the Phase II plans.

C. Natural Features: For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.

D. Residential Traffic Impact: When located in a residential area, the proposed development:

(1) Will not cause traffic volumes to exceed planned capacities on local residential streets;

(2) Will not generate frequent truck traffic on local residential streets; and

(3) Will not create additional traffic during evening and nighttime hours on local residential streets.

E. Traffic Generation Impact: Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.

F. Height Impacts: For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development. Factors to consider include:

(1) Will the structure block sunlight from reaching adjacent properties during a majority of the day for over four months out of the year; and;

(2) Will siting of the structure substantially block vistas from the primary exposures of adjacent residential dwellings created due to differences in elevation.

G. Setbacks: For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.

H. Internal Site Design: For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.

I. Screening and Buffering: The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, noise or glare exceeding permissible standards, potential safety hazards,
unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.

J. **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.

K. **General Compatibility:** The relationship of the actual appearance, general density and overall site design of the proposed development should be compared to the established pattern of zoning, the character of the surrounding neighborhood and the existing land forms of the area to determine the general compatibility of the development with its surroundings.

L. **Non-Vehicular and Alternate Modes of Travel:** The proposed development incorporates pedestrian oriented-space, provides direct and convenient pedestrian access to the building entrance(s) from public trails, public sidewalks, and on or off-site parking areas, incorporates appropriated pedestrian safety features, provides convenient pedestrian access for transit patrons, or, if appropriate, access for transit vehicles, and provides adequate bicycle access. Consideration shall also be given, to providing designated motorized scooter parking if appropriate to the context of the development (the use, location, type of individuals served).

Subd. 3. The findings for the approval of a Final Type III Development Plan are as follows:

A. **Public Facility Design:** The design of private and public utility facilities meet the requirements and specifications which the applicable utility has adopted.

B. **Geologic Hazard:** Engineering means to deal with areas of geologic hazard have been incorporated into the development plan or such areas have been set aside from development.

C. **Access Effect:** Ingress and egress points have been designed and located so as to:

   (1) Provide adequate separation from existing street intersections and adjacent private driveways so that traffic circulation problems in public right-of-ways are minimized; and

   (2) Not adversely impact adjacent residential properties with factors such as noise from accelerating or idling vehicles or the glare of headlights from vehicles entering or leaving the site.

In addition, where the preliminary development plan identified potential problems in the operation of access points, plans for private improvements or evidence of planned public improvements which will alleviate the problems have been provided.

D. **Pedestrian Circulation:** The plan includes elements to assure that pedestrians can move safely both within the site and across the site between properties and activities within the neighborhood area, and, where appropriate, accommodations for transit access are provided.

E. **Foundation and Site Plantings:** A landscape plan for the site has been prepared which indicates the finished site will be consistent with the landscape character of the surrounding area.

F. **Site Status:** Adequate measures have been taken to insure the future maintenance and ownership pattern of the project, including common areas, the completion of any plating
activities, and the provision of adequate assurance to guarantee the installation of required public improvements, screening and landscaping.

G. **Screening and Bufferyards:** The final screening and bufferyard design contains earth forms, structures and plant materials which are adequate to satisfy the needs identified in preliminary development plan for the project.

H. **Final Building Design:** The final building design is consistent with the principles identified in preliminary development plan relative to Height Impact, Setbacks, and Internal Site Design.

I. **Internal Circulation Areas:** Plans for off-street parking and loading areas and circulation aisles to serve these areas meet ordinance requirements in terms of design.

J. **Ordinance Requirements:** The proposed development is consistent with the requirements of the underlying zoning district for similar uses in regards to signage and other appearance controls, and with general standards such as traffic visibility and emergency access.

K. **Non-Vehicular and Alternate Travel Modes:** The proposed development incorporates pedestrian oriented-space, provides direct and convenient pedestrian access to the building entrance(s) from public trails, public sidewalks, and on or off-site parking areas, incorporates appropriated pedestrian safety features, provides convenient pedestrian access for transit patrons, or, if appropriate, access for transit vehicles, and provides adequate bicycle access. Consideration shall also be given, to providing designated motorized scooter parking if appropriate to the context of the development (the use, location, type of individuals served).

62.709 **Status of Approved Type III Restricted Development:** Following Council approval of a final development plan, the zoning administrator may issue a zoning certificate for the development consistent with the approved plan. Except for issues addressed by a development agreement, the procedure for handling changes to an approved plan shall be the same as for conditional uses, which is identified in Paragraph 61.148.

62.710 **STAGE DEVELOPMENTS:**

Where a development is to be constructed in stages, landscape area and usable recreation area shall be developed during the initial stages or during construction of each stage in proportion to the amount of intensity (density or floor area) proposed for the stage relative to the overall intensity.

62.711 **Annual Report:** The zoning administrator shall prepare an annual report for the Commission and Council regarding the status of all incomplete Restricted Developments. If development is not progressing, the owner shall be required to submit a statement stating the reasons for lack of progress and indicating a tentative schedule of completion. After a minimum period of two years from the initial date of approval the Council may, if it finds the development is not progressing and the lack of progress is not substantiated by reasonable facts, revoke approval of the project.

62.712 **Modifications:** The Council may waive the need to satisfy certain approval criteria during the Type III review if it finds:

1) The applicant has demonstrated that the plan as submitted adequately compensates for failing to address the criterion in question.

2) The strict application of any provision would result in exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, provided the modification may be granted without substantial detriment to the public good and without substantially impairing the purposes of this ordinance or the policies of the Land Use Plan.
62.720 MIXED USE DEVELOPMENT

This section contains the regulations applicable to a development on a tract of land involving the establishment of at least one use which is not permitted in the applicable zoning district.

62.721 Application of Approval Criteria: In reviewing a mixed use development, only those uses not permitted by the underlying zoning district shall be reviewed against the criteria contained in this Article. Other uses in a mixed use development shall be reviewed in light of the applicable zoning district criteria for those uses.

62.722 Mixed Use Developments, Residential Districts: The criteria in this paragraph established intensity guidelines for Mixed Use Developments in Residential Districts:

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>MINIMUM SITE AREA</th>
<th>MINIMUM PERCENTAGE LANDSCAPE AREA</th>
<th>MAXIMUM HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, CN-NR &amp; R-1x District</td>
<td>12,500</td>
<td>50%</td>
<td>20’</td>
</tr>
<tr>
<td>R-2 &amp; Low Density Residential Areas</td>
<td>10,000</td>
<td>40%</td>
<td>20’</td>
</tr>
<tr>
<td>R-3 &amp; Medium Density Residential Areas</td>
<td>8,000</td>
<td>35%</td>
<td>30’</td>
</tr>
<tr>
<td>R-4 District</td>
<td>6,000</td>
<td>25%</td>
<td>30’</td>
</tr>
</tbody>
</table>

1) The Floor Area Ratio shall be applied against the base site area of the entire development under consideration.

2) The Landscape Area percentage shall be applied to all uses in the development, superseding percentages listed elsewhere for separate residential or nonresidential uses.

These guidelines may be exceeded when approving a mixed use development when the Council, in addition to the criteria in Paragraph 62.708, finds that:

a) the unique nature of the proposed development is such that the spirit and objectives of the ordinance will not be violated;

b) the development will not be materially detrimental to the public welfare or injurious to other property in the area;

c) the development will not adversely affect the implementation of the comprehensive plan.

62.723 Mixed Use Development, R-1 R-1x, and R-2: Subdivision 1. In an R-1, CN-NR, R-1x, or R-2 District or upon any lot which is adjacent to an R-1, R-1x or R-2 District, a mixed use development may be approved as a Type II use if it satisfies the following criteria:

Subd. 2. Permitted Use Types:

- Office
- Repair & Maintenance Shops
- Retail
- Day Care
- Personal Services
- Agricultural

Subd. 3. The development meets the district standards listed in section 62.722.
Subd. 4. The development is located along a major local or higher order street.

Subd. 5. The appearance standards applicable to nonresidential uses permitted in the underlying district are satisfied.

Subd. 6. The nonresidential buildings and parking are:

A. separated from existing one family dwellings by a distance of 200’ or by residential buildings in the proposed development;

B. separated from existing one family dwellings by a freeway or expressway;

C. adjacent to uses on the same block or across the street which are nonresidential, institutional, or multifamily, or land which is vacant and zoned for such use; or

D. isolated from adjacent one family dwellings by significant topographical features such as elevation changes, ravines or water courses.

Subd. 7. Other uses not listed in this section, with the exception of a manufactured home park, may be considered for approval as Type III uses, excluding uses requiring conditional use permit under the provisions of section 62.1100.

### Mixed Use Development In R-3 Districts:

Subdivision 1. In an R-3 District, a mixed use development is subject to the provisions and approval procedures of 62.723. If not abutting a lot zoned R-1, CN-NR, R-1x, or R-2, the mixed use development may be approved as Type I development if it meets the following criteria:

- **Office**, **Retail Trade**, **Convenience Retail**, **Self Service Storage**
- **Personal Service**, **Day Care**, **Retail Agricultural**

Subd. 2. The development meets the district standards listed in section 62.722.

Subd. 3. The development is located along a major local or higher order street.

Subd. 4. Bufferyards for the nonresidential use are provided which are equal in magnitude to those which would be required if the land was zoned B-1.

Subd. 5. The development meets the Appearance Controls for permitted nonresidential uses in the R-3 District.

Subd. 6. Nonresidential buildings are separated from one family dwellings located in an R-1, CN-NR, R-1x, or R-2 District by:

A. A minimum distance of 200 feet;

B. By residential buildings in the proposed development;

C. By an expressway or freeway;

D. By adjacent land uses which are non-residential, institutional or multifamily or vacant land zoned for such purposes; or
E. By significant topographical features which serve to separate the uses, such as
elevation changes.

62.725 **Mixed Use Development in an R-4 District:** In an R-4 District, a mixed use development is
subject to the provisions and approval procedures of 62.723. If not abutting a lot zoned R-1, CN-
NR, R-1x, or R-2, a mixed use development may be approved as a Type I use if it meets the
criteria listed in Paragraph 62.724. Additional uses which may be considered are Restaurants
and Indoor Athletic Facilities.

62.726 **Mixed Use in a Developing District Residential Area:** In the Developing District a mixed use
development may be approved as a Type I use if it meets criteria 2 through 6 in Paragraph 62.724 and involves any of the following uses:

<table>
<thead>
<tr>
<th>Office</th>
<th>Day Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience Retail</td>
<td>Retail Agriculture</td>
</tr>
<tr>
<td>Personal Service</td>
<td>Repair and Maintenance Shops</td>
</tr>
</tbody>
</table>

62.727 **Mixed Use Development, Other Districts:** The following criteria shall apply to mixed use
developments in nonresidential districts:

1) Residential uses in nonresidential areas of the Central Development Core meeting the
standards for permitted residential uses in the R-4 District may be approved as a Type I use
subject to the provision that the residential use shall not be located on the ground level of such
a development in the Central Business District or Fringe area of the Central Development Core.
In addition, landscape area need only meet the requirements for permitted nonresidential uses
in the district, and the required usable recreation area can be reduced by 75 percent if the
development is within 1/4 mile of a city park or recreational area.

2) Except in the TOD District, the standards of the R-3 District shall be used as a guide for any
residential use in a Mixed Use Development in any Nonresidential District outside of the
Central Development Core, and shall be processed under a Type III Review Procedure, with
the Phase III Hearing Process used.

3) In the TOD District, the standards of the CDC-Fringe District shall be used as a guide for any
residential use in a Mixed Use Development, and shall be processed using the type(s) of
Review Procedures listed for the included uses in Article 62.337 TOD District General
Development Standards. If the included uses are listed with different Review Procedures, the
Review Procedure requiring the higher level of review shall be used.

4) Nonresidential uses not normally permitted in the underlying district shall use as guidelines the
standards for permitted uses in the underlying zoning district, and shall be processed under a
Type III Review Procedure, with the Phase III Hearing Process used.

5) Other uses in any development district created pursuant to Minnesota Statutes Chapter 472A
may be considered by the Commission and Council subject to the approval criteria applicable
to Mixed Use Development, and shall be processed under a Type III Review Procedure, with
the Phase III Hearing Process used.

### 62.730 TRANSITIONAL DEVELOPMENT

This section contains the regulations applicable to development on a parcel of land in a residential
district which abuts a nonresidential district, where it has been determined that modified use
regulations should be applied in the interest of creating a buffer or transition between the uses in
the two districts.
62.731 **Definitions:** For the purposes of this section the following definition shall apply:

1) **Transitional Lot:** A zoning lot other than a corner lot which has a side lot line abutting directly or across an alley any Established or Provisionally zoned Nonresidential District.

62.732 **Type I Transitional Developments:** Subdivision 1. The following types of transitional development are permitted through the Type I procedure:

A. In the R-1x and CN-NR Districts, a transitional lot may be developed according to the regulations of the R-2 district; in the R-2 District any transitional lot may be developed according to the regulations of the R-3 District.

B. In the R-1x and CN-NR Districts, any lot abutting on the side a permitted nonresidential use such as convenience retail use may be developed according to the regulations in the R-2 district.

62.733 **Type II Transitional Developments:** Development on a transitional lot involving the reuse or renovation of an existing structure shall be permitted for any of the uses listed in 62.723 (1) through the Type II procedure. Notice of proposed action shall be sent to all property owners abutting the site directly or across any right-of-way. The Zoning Administrator shall find that all applicable ordinance requirements will be met, with the modification that the Landscape Area requirement of the adjacent non-residential district shall be used as a guide to test conformance.

62.734 **Type III Transitional Development:** Any development permitted in the adjacent nonresidential district may be considered for approval on a transitional lot through the Type III procedure, subject to the criteria in Paragraph 62.708.

62.735 **Transitional Development in Developing District:** Where land adjacent to a transitional lot in the Developing Low Density Residential District is zoned R-1, CN-NR or R-1x, the permitted uses shall be those indicated in the table in Paragraph 62.511 for Established R-2 zoning; where the lot adjacent to a transitional lot is zoned R-2, the permitted uses shall be those indicated in the table in Paragraph 62.511 for Established R-3 zoning.

62.736 **Transitional Area Development:** The ordinance recognizes that the Land Use Plan designation for certain areas of the City may not coincide with the current zoning designation of the property. This may occur where the City, in adopting the plan, has acknowledged those first transitional uses to invade an area and has determined that the future pattern should be to encourage the continued succession of the existing uses with this new pattern of development. Often, however, the initial developments are of such scattered or infrequent nature so as not to justify the rezoning of an area in accord with the Plan while the majority of existing uses live out their useful economic life. To cope with those first uses that represent this initial change, the ordinance allows consideration of uses that are determined by the Council to be consistent with the findings of Paragraph 61.514, but inconsistent with the present zoning as a Type III Restricted Development.

62.740 **ADAPTIVE REUSE, CULTURAL BUILDINGS**

The development of any building, structure or area listed on the National Register of Historic Places, or any locally established register of historic sites or buildings, or the development of any building originally constructed for educational or religious purposes, where the reuse of the property involves uses not normally permitted in the underlying zoning district or permitted uses at an intensity exceeding the standards of the underlying district. Special regulations are applied to this type of reuse because of the difficulty present in adapting these structures to allow economic and efficient use of the property.

62.741 **Type I Adaptive Reuse Development:** The following types of Adaptive Reuse are permitted through the Type I procedure:
1) In any residential district, the adaptation of a structure for use as residential dwelling units or the development of a social service such as a day care, or senior citizens center, where the development does not involve any expansion to the existing structure and the zoning administrator determines that parking needs can be met by the existing off-street parking area provided. The zoning administrator may impose conditions related to landscaping and bufferyards similar to those required for new Area Accessory uses, as described in Section 62.930.

2) In any nonresidential district, the adaptation of the structure for any Type I use permitted in the underlying zoning district.

62.742 **Type II Adaptive Reuse Development:** The following types of Adaptive Reuse are permitted through the Type II procedure:

1) In any residential district, adaptation of a structure for any of the uses listed and as regulated by Paragraph 62.723 may be considered through the Type II procedure where the development does not involve any expansion to the existing structure, it is located along a major local or higher order street, and other applicable ordinance requirements, such as appearance controls and parking requirements, are satisfied.

2) In any nonresidential district, adaptation of the structure for any Type II use permitted in the underlying zoning district.

62.743 **Type III Adaptive Reuse Development:** All other Adaptive Reuse developments are considered Type III developments. In addition to the criteria in Paragraph 62.708, the Council shall also find that:

1) The proposed adaptive use of the building or site will lead to its continued preservation and improvement in an appropriate manner while retaining the integrity of the neighborhood.

2) Any new structures will be in keeping with the character of the building or site.

62.750 **COMMERCIAL RECREATIONAL AREAS**

A development designed and equipped for the conduct or sport of leisure activities which is operated as a private business and open to the public for a fee, characterized by a low intensity of use relative to the land area involved (such as ski hills, golf courses or campgrounds), and which is proposed for location outside of a commercially zoned area.

The location of such uses outside of commercial areas may in certain instances be in the public interest, since it will allow the economic use of land that otherwise exhibits serious constraints for development due to its unique topography or the nature of its vegetative cover.

62.751 **Procedure:** All requests for a commercial recreation area under the provisions of Restricted Development shall be processed under the Type III procedure, with the Phase II hearing process utilized.

62.752 **Submission Criteria:** The criteria for commercial recreation area shall be the same as for a Conditional Use Permit, as outlined in Appendix B. The Zoning Administrator is not required to make findings of Land Use Plan conformance before accepting the application.

62.753 **Criteria for Approval:** In taking action on a request for a commercial recreation area, the Council shall make the following findings before approving the application:

1) The application conforms to the Land Use Plan (See Paragraph 61.514 for findings).
2) The criteria for approval of Conditional Use Permits contained in Paragraph 61.146 is satisfied.

These criteria shall be substituted for the normal approval criteria applicable to Type III Restricted Developments.

62.760 ADAPTIVE REUSE, COMMERCIAL BUILDINGS

A development involving the reuse of a building constructed after the effective date of the ordinance in an R-1, CN-NR, R-1x, and R-2 District for occupancy by a Convenience Retail or Office use, or a building in existence on the effective date of the ordinance presently in a Residential District which was a conforming non-residential use under the previous ordinance.

62.761 List of Acceptable Use Types: In addition to reuse of a structure for Convenience Retail or Office use, the following uses may be established:

- Day Care Facilities
- Personal Services
- Multi-Family Residential

62.762 Procedures for Approval: Approval of the adaptive reuse of a commercial building may be processed under:

1) The Type I procedure where the proposed development involves a Convenience Retail use meeting Type I standards or any of the other uses listed in Paragraph 62.761, and no expansion of the existing structure is involved and the zoning administrator finds the development will meet other applicable ordinance requirements;

2) The Type II procedure if the original occupancy of the building was a Convenience Retail use requiring Type II and III approval;

3) The Type III procedure for all other proposed developments.

62.800 FLOOD DISTRICTS AND INTENT:

The intent of the flood district regulations is to guide development in the flood hazard areas of Rochester consistent with the flood threat, in order to minimize loss of life and property, disruption of commerce and governmental services, extraordinary public expenditure for public protection and relief, impairment of the tax base and interruption of transportation and communication, all of which adversely affect the public health, safety and general welfare. Flood hazard regulations are intended to minimize losses and disruptions.

The flood district regulations are adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59-78, as amended, so as to maintain the community’s eligibility in the National Flood Insurance Program.

The regulations are also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

62.801 Flood Fringe District Purpose: The purpose of the flood fringe district is to insure that uses and structures within the district are properly flood protected, consistent with accepted principles and standards for flood protection, resulting in developments which will suffer minimal damage from flooding and are of such a nature so as to have a minimal effect on the ability of the flood plain to discharge flood waters.
62.802 Floodway District Purpose: The purpose of the floodway district is to assure that adequate space is retained within the channel and adjoining flood plain to carry and discharge the regional flood, and to restrict or prohibit uses which are dangerous to health or safety, or result in economic loss, in times of flood.

62.803 Flood Prone District Purpose: The purpose of the flood prone district is to guide development in generally undeveloped areas of the flood plain in such a manner so as to reduce the loss of flood storage volume in the flood plain, and to avoid increases in downstream flood levels and in the velocity of flood waters.

62.810 DESIGNATION:

Each individual flood district represents a set of regulations superimposed upon the existing zoning districts, superseding existing underlying regulations only to the extent that developments must meet the additional standards of this chapter as well as those of the underlying district in order to be in compliance with this ordinance.

The Flood Fringe District (FF), the Floodway District (FW), and the Flood Prone District (FP) are identified upon the zoning map, and reference to the status of any property located in one of the flood related districts is made by the District symbol (FF, FW, or FP) being postfixed to a use district symbol (examples R-1/FF, B-4/FW, M-2/FP). (Refer to 60.3501, Designation of Annexed Property: Floodway and Flood Fringe.)

To aid in the identification and designation of properties in the flood related districts, certain materials are attached and hereby adopted by reference and declared to be part of this ordinance. These materials include the Flood Insurance Study for Olmsted County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate Map for Olmsted County and Incorporated Areas, all dated April 19, 2017 and prepared by the Federal Emergency Management Agency, including the following panels:

- 27109C0141F
- 27109C0142F
- 27109C0143E
- 27109C0144F
- 27109C0153F
- 27109C0154F
- 27109C0155E
- 27109C0158E
- 27109C0161F
- 27109C0162F
- 27109C0163F
- 27109C0164F
- 27109C0166F
- 27109C0168F
- 27109C0169E
- 27109C0282F
- 27109C0301F
- 27109C0302F
- 27109C0304E
- 27109C0306F
- 27109C0307E
- 27109C0313E

62.811 Designation of Floodway District (FW): The provisions in this chapter relating to the floodway district shall apply to all lands designated as floodway on the Flood Insurance Rate Map adopted in Section 62.810. The Floodway District also includes those areas designated as Zone A (that do not have a floodway designated) on the Flood Insurance Rate Map.

For lakes, wetlands and other basins, the Floodway District includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

62.812 Designation of Flood Fringe District: The Flood Fringe District includes those areas within Zone AE and designated as floodway fringe, or within Zone AO on the Flood Insurance Rate Map adopted in this section, and were within the corporate boundaries of the city prior to November 3, 1980.

For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District includes those areas designated as Zone AE on the Flood Insurance Rate Map panels
adopted in this section that are below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

62.813 **Designation of Flood Prone District (FP):** The Flood Prone District includes those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in this section, as being within Zone AE but being located outside of the floodway, and were annexed on or after November 3, 1980, except as determined by the provisions of 60.3501.

62.814 **Warning and Disclaimer of Liability:** The degree of flood protection intended to be provided by the zoning code is considered reasonable for regulatory purposes and is based on engineering and other specific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. The zoning code does not imply that areas outside of designated flood plain districts or land uses permitted within such districts will always be totally free from flooding or flood damages. Nor shall the zoning code create a liability on the part of, or be a cause of action against the City of Rochester or any employee thereof for any flooding or flood damages that may result from reliance on the zoning code.

62.815 **Reclamation:** Nothing herein shall be so construed as to prohibit the lawful rehabilitation or reclamation of any lands outside of the floodway, provided that no filling, draining, construction of levees or other improvements intended to eliminate or reduce the danger of the flood or erosion shall be commenced until first reviewed and authorized by the zoning administrator and the Commissioner, and, if revisions to floodplain maps or designations are proposed, by the Federal Emergency Management Agency.

62.816 **Right of Passage:** No person may obstruct the passage of water and watercraft nor restrict the lawfully permitted use by the public of the bed, banks, water and floodway of any stream within the City of Rochester.

62.817 **Floodplain Limits:** Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions including the natural or pre-existing grades, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.

62.818 **Delineation of Floodway in A Zones:** In A zones without a floodway, the floodway may be delineated using the following procedures. Areas identified through these procedures as flood fringe may then be reclassified as Flood Fringe District, and will then be subject to the requirements of Sections 62.840 and 62.860, respectively. The area determined to be Floodway shall be governed by Section 62.850.

1. Upon receipt of an application for a permit or other approval, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

2. If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Subpart 3 below.

3. The determination of floodway and flood fringe must include the following components, as applicable:
   a) Estimate the peak discharge of the regional (1% chance) flood.
   b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

4. The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

62.820 PROCEDURES:

The requirements in this section shall supplement the procedural requirements of the underlying zoning district in any flood district. Conditional Use Permits shall be processed under the Type I Review, with a Phase III hearing process utilized.

62.821 Amendments to a Flood District Designation: The Council may initiate an amendment to a flood district boundary upon request from a property owner. The procedures for processing an amendment to this ordinance, as defined in 60.332, shall be followed. The applicant shall submit all necessary technical documentation to assist the Council in their review of the petition. 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.

All amendments to the flood plain provisions of this zoning code, 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 the zoning code and said notice shall include a draft of the amendment or technical study under consideration.

62.822 Conditional Use Permits - Submission Requirements: Applications for Conditional Use Permits required by this chapter shall include the information required by Paragraph 61.144 and the following information:

1) Plans in triplicate drawn to scale showing the nature, location, dimensions and elevations of the lots, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the locations of the stream channel. One set of plans shall be transmitted 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.

2) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

3) Any additional information deemed necessary by the Commission to determine the suitability of the particular site for the proposed use.
62.823 **Notifications:** Notification procedures for conditional uses, defined in 61.143, shall also be followed for conditional uses in the Flood Districts. In addition, a copy of the application and written notice shall be mailed to the Commissioner of Natural Resources sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

62.824 **Conditional Use Permits – Standards for Approval.** When deciding on conditional use permits in any flood district, the following factors, in addition to the standards in Section 61.146, must be considered:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary condition.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

E. The importance of the services provided by the proposed facility to the community.

F. The need for a waterfront location for the facility.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive flood plain plan and management program for the area.

J. The safety of access to the property in times of flood for ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

L. Such other factors which are relevant to the purposes of Section 62.800.

62.825 **Decisions:** A copy of all decisions granting conditional use permits in the Flood Districts shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

62.826 **Submission Requirements, Lands Removed from Special Flood Hazard Area:** Where an applicant can provide documentation that a Letter of Map Amendment (LOMA) has been issued by the Federal Emergency Management Agency relative to a lot identified on the FBFM or FIRM as being in a flood district, the submission requirements shall be those applicable in the underlying zoning district.

62.827 **Flood-Proofing 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 ordinance. A registered professional engineer or architect shall certify that the flood-proofing methods are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces. Where a nonconforming structure is extended or substantially altered the certificate of zoning compliance shall specifically state the manner in which the nonconforming use or structure differs from the provisions of this ordinance.
62.828 **Records:** The zoning administrator shall maintain a record of the lowest floor (including basement) elevation of all new structures and alterations or additions to existing structures in any of the flood districts. A record of the flood-proofing measures utilized shall also be maintained.

62.829 **State and Federal Permits:** Prior to granting a zoning certificate or processing an application for a conditional use permit or variance required by this Article, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits pertaining to flood-proofing and flood protection measures.

62.830 **USES PERMITTED:**

The regulations within this article establish those uses which are permitted in each of the flood districts, subject to the further restriction that any use contemplated shall also be permitted in the underlying zoning district. It shall be a misdemeanor for any person to establish a use in a flood district which is not otherwise permitted in that district by the following sections, or which is not permitted in the underlying zoning district, and for any person to do any grading or filling in the floodplain without first obtaining all necessary permits and approvals.

62.831 **Permitted Uses, Floodway and Flood Prone Districts:** Permitted uses are the following uses which have a low flood damage potential and do not obstruct flood flows. These uses are permitted within the Floodway and Flood Prone Districts to the extent that they are not prohibited by the underlying zoning district or any other ordinance and provided they do not require structures, fill, or storage of materials or equipment, except as permitted in Section 62.800. In addition, no use shall adversely affect the capacity of the channel or floodways of any tributary to the main stream, or of any drainage ditch or other drainage facility.

1) Agricultural uses such as: general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

2) Industrial-commercial uses such as: loading areas, parking areas, billboards, airport landing strips.

3) Private and public recreational uses such as: golf courses, tennis courts, driving ranges, picnic grounds, boat launching ramps, swimming area, parks, wildlife and nature preserves, fishing areas, recreational trails.

4) Residential uses such as: lawns, gardens, parking areas, and recreation areas.

5) Channel Modifications requiring a DNR permit where there is no change in the flood profile.

Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

62.832 **Uses in the Flood Fringe District:** Uses permitted or conditionally permitted in the Flood Fringe District are the same as those identified in the underlying zoning district, subject to meeting the construction standards established for the Flood Fringe District in Section 62.840.

62.833 **Conditional Uses, Floodway District:** The following uses involving structures (temporary or permanent), fill, or the storage of materials or equipment, are permitted in the Floodway District only after the issuance of Type III Conditional Use permit as provided for in Section 62.820.

1) Structures accessory to open space or conditional uses, in accordance with Paragraph 62.852.
2) Placement of fill in accordance with Paragraph 62.851.

3) Extraction of sand, gravel, and other minerals.

4) Marinas, boat rentals, docks, and water control structures.

5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources’ Area Hydrologist is notified at least ten days prior to issuance of any permit.

6) Storage yards for equipment, machinery or materials, in accordance with Paragraph 62.854.

7) Other uses similar in nature to uses described in Paragraph 62.831 or this paragraph which are consistent with the provisions set out in 62.802.

62.834 **Conditional Uses, Flood Prone Districts:** In the Flood Prone Districts, uses permitted in the underlying zoning district are allowed subject to the issuance of a Type III Conditional Use Permit as provided for in Section 62.820 and, in addition, are subject to the following provisions:

1) All developments are subject to the applicable provisions of Section 62.840, except those uses established subject to the alternate construction standards of Paragraph 62.844 and shall also meet the further regulations of Section 62.860 before a permit may be issued.

62.835 **Adverse Affect on Unspecified Floodway:** Flood plain development should 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.

62.836 **Critical Facilities:** Critical Facilities, as defined in 60.200, are prohibited in all floodplain districts.

62.840 **CONSTRUCTION STANDARDS, FLOOD FRINGE DISTRICT:**

Uses located in the Flood Fringe District, to the extent that they are not prohibited by any other portion of this ordinance, shall be constructed as regulated by the following paragraphs and in such a manner so as to not adversely affect the capacity of any public water or any other drainage facility or system.

62.841 **Standard for Principal Buildings:** The following standards shall apply to the construction of principal buildings in the Flood Fringe District:

1) **Dwellings:** New dwellings shall be constructed on fill so that the lowest floor (including basement) is at or above the flood protection elevation. The finished fill elevation shall be no lower than one (1) foot below the flood protection elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building thereon. Residences that do not have vehicular access at or above an elevation not more than two (2) feet below the flood protection elevation shall not be permitted. If a variance to the access requirement is granted, the Board of Appeals 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) **Dwellings in the AO Zone:** New dwellings shall be constructed on fill so that the lowest floor (including basement) is elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Rochester Flood Insurance Rate Map. The finished fill elevation shall extend at such elevation at least fifteen (15) feet beyond the limits of any
structure or building thereon. There must be adequate drainage paths around structures on slopes to guide floodwaters around and away from existing or proposed structures or additions.

3) **Non-Residential Uses:** New structures shall be elevated so that their lowest floor (including basement) is at or above the flood protection elevation. The finished fill elevation shall be no lower than one (1) foot below the flood protection elevation.

1) **Non-Residential Uses in the AO Zone:** New structures shall be constructed on fill so that the lowest floor (including basement) is elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Rochester Flood Insurance Rate Maps, or together with attendant utility and sanitary facilities be completely flood-proofed in accordance with the State Building Code to the FP-I or FP-2 classification without the utilization of dikes, dams or levee. There must be adequate drainage paths around structures on slopes to guide floodwaters around and away from existing or proposed structures or additions.

**62.842 Standards for Public Works:** The following standards shall apply to the construction of new public works in the Flood Fringe District:

1) **Waste Treatment and Flood Control Structures:** No new construction, addition or modification to existing waste treatment facilities shall be permitted within the flood fringe unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Minnesota Pollution Control Agency. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters.

2) **Utilities, Railroad Tracks, Streets and Bridges:** Public utility facilities, roads, railroad tracks, and bridges within the Flood Fringe District shall be designed to minimize increase in flood elevations and shall be compatible with local comprehensive flood plain development plans.

Protection to the flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area.

Where failure or interruption of services would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.

**62.843 Standards for Accessory Uses and Structures:** The following standards shall apply to the construction of accessory structures and the use of land for accessory purposes:

1) **Accessory Structures:** Such structures shall be constructed on fill so that the lowest floor is at or above the flood protection elevation or may be permitted below the flood protection elevation provided that such structures are:

   a) not designed for human habitation;

   b) designed to have low flood damage potential;

   c) constructed and placed on the building site so as to offer the minimum resistance to the flood or floodwaters

   d) 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 to the FP-3 or FP-4 standards in accordance with the State Building Code. To meet this requirement, detached garages must be used solely for parking of vehicles and limited storage. All such structures must meet the following standards:
1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

2) 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.

3) 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.

4) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed

2) **Storage of Materials:** 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. 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 zoning administrator.

3) **Accessory Land Uses:** Accessory land uses for non-residential uses, such as storage yards and parking lots, that are at elevations below the flood protection elevation shall not be permitted without a flood warning system that provides adequate time for evacuation of the area if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

### 62.844 Alternate Construction Standards

Alternate standards for the construction of residential and non-residential uses is permitted as follows:

1) **Residential Uses:** Where existing streets, utilities, or small lot size preclude the use of fill, other methods of elevating the first flood (including basement) above the flood protection elevation may be authorized by the issuance of a Type III Conditional Use Permit in accordance with Sections 61.140 and 62.820. 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: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

   a) 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.

   b) Above-grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design must stipulate:
1) The minimum area of 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 of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. When openings are placed in a structure’s walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devises provided that they permit the automatic entry and exit of flood waters without any form of human intervention.

2) That the enclosed area will be designed of flood resistant materials in accordance with 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) Non-Residential Uses: 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, without the use of dikes, dams or levees, 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 standards shall not be permitted. Whenever the zoning administrator determines that a particular use may constitute an unusual hazard in the flood fringe, he may require the issuance of a Type III conditional use permit as provided in Section 62.820.

62.845 Basements: Basements, as defined by Section 60.200, shall be subject to the following:

1) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

2) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Section 62.844(2).

62.846 Additional Development Standards: The standards in this subsection shall apply to the uses indicated. These standards are imposed in addition to any other applicable standards in Section 62.840.

1) Manufacturing and Industrial Uses: Manufacturing and industrial buildings, structures and appurtenant works shall be protected to the flood protection elevation. Measures shall be taken to minimize interference with normal plant operations, especially for streams having prolonged flood durations. 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.

2) Fill: Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long term site development plan as approved under other provisions of this ordinance. The cumulative placement of fill where at any one time in excess of one-thousand (1000) 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 Section 62.840 of the zoning code.

a) When at any time more than 1,000 cubic yards of fill or other similar material 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 management 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 zoning administrator. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

62.847 Garbage and Solid Waste Disposal: There shall be no disposal of garbage or solid waste materials within Flood Fringe areas. No conditional use permits for garbage and waste disposal sites shall be issued for Flood Fringe District. There shall be no further encroachment upon the floodplain at existing sites.

62.848 On-site Water Supply and Sewage Treatment 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 are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; 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, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

62.850 CONSTRUCTION STANDARDS IN THE FLOODWAY DISTRICT

No structures (temporary or permanent); fill, including fill for roads and levees; deposits, obstructions, storage of materials or equipment; or other uses allowed as Type III Conditional Uses which, acting alone or in combination with existing or future uses, cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected, shall be permitted. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all floodway conditional uses shall be subject to the regulations in the following paragraphs.

62.851 Fill: Any fill deposited in the floodway shall be no more than the minimum amount necessary to conduct a Type III Conditional Use listed in Paragraph 62.833. Generally, fill shall be limited to that needed to grade or landscape for that use and shall not in any way obstruct the flow of flood waters or cause any increase in flood elevations. Such fill or other material shall be protected against erosion by rip-rap, vegetative cover or bulkheading. 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.

62.852 Structures: Accessory structures (temporary or permanent) permitted as conditional uses by Paragraph 62.833 shall be subject to the following standards:

1) Not designed for human habitation;
2) Designed to have low flood damage potential;
3) Constructed and placed on the building site so as to offer the minimum resistance to the flood or floodwaters;
   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.

4) Accessory structures shall be structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. 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.

b) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

5) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code provided the accessory structure constitutes a minimal investment and that does not exceed 500 square feet for the outside dimension at ground level. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the standards of subpart 4 and also the following criteria. To meet this requirement, detached garages must be used solely for parking of vehicles and limited storage.

a) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

b) 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.

Utilities, Railroad Tracks, Streets, and Bridges: Public utility facilities, roads, railroad tracks, and bridges within the floodway district shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans. Such facilities must comply with 62.850. Protection to the flood protection elevation shall be provided where failure or interruption of these public facilities are essential to the orderly functioning of the area. Where failures or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads or utilities.

Storage of Material and Equipment: The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or which could be injurious to human, animal or plant life, or that are likely to cause pollution of waters, as defined by Minnesota Statutes, Section 115.01, if subject to floating, is prohibited.

Garbage and Solid Waste Disposal: No conditional use permits for garbage and waste disposal sites shall be issued for floodway areas. There shall be no further encroachment upon the floodway at existing sites.

Structural Works for Flood Control: Structural works for flood control such as levees, dikes, floodwalls, and reservoirs shall be allowed only upon issuance of a Type III Conditional Use Permit, and compliance with the following:

1) Any proposed structural work in the beds of public waters as defined in Minnesota Statutes, Chapter 105, which will change the course, current, or cross-section of the waters shall be subject to the provisions of Minnesota Statutes, Chapter 105, and other applicable statutes.

2) When necessary, a permit from the Army Corps of Engineers certifying compliance with Section 404 of the Clean Waters Act shall be obtained, along with any other necessary permits.
62.857 **On-site Water Supply and Sewage Treatment 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 are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; 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, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions of Minnesota Rules Chapter 7080.2270, as amended.

62.860 **CONSTRUCTION STANDARDS IN THE FLOOD PRONE DISTRICT**

The requirements applicable in the Flood Fringe District, as defined in Section 62.840 shall apply in the Flood Prone District and, in addition, the deposition of any fill or spoil from dredging of sand and gravel operations, the construction of any structure, or the grading or paving of any areas shall require certification by a registered professional engineer or hydrologist that the following conditions have been met:

1) Fill deposited in the Flood Prone area shall be no more than the minimum amount necessary to conduct the use.

2) No net loss of capacity for surface storage of flood waters shall result from the activity.

3) The effect of such activities in the Flood Prone area shall not result in an increase in erosion potential on the site. The erosion control measures must conform to all city engineering standards.

62.870 **MANUFACTURED HOMES, TRAVEL TRAILERS, AND TRAVEL VEHICLES IN THE FLOOD PLAIN**

Manufactured homes and manufactured home parks and the placement of travel trailers and travel vehicles in flood plain areas must meet the following requirements:

62.871 **Manufactured Home Parks and Subdivisions:** New manufactured home parks and expansions to existing mobile/manufactured home parks are prohibited in any floodplain district.

62.872 **Placement:** Placement or replacement of manufactured home units is prohibited in the Floodway District. In the Flood Fringe and Flood Prone Districts, placement or replacement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record will be treated as new structures and may be placed only if in compliance with Section 62.800.

1) All manufactured homes must be securely anchored to an adequately anchored foundation system that resist 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.

2) If vehicular road access for preexisting manufactured home parks is not provided in accordance with Section 64.123, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the zoning administrator.

62.873 **Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be subject to the provisions of this section and as specifically spelled out in Section 62.874.
1) **Exemption:** Recreational vehicles are exempt from the provisions of this section if they are placed in an existing recreational vehicle park or campground and, further, they meet the following criteria:

a) Have current licenses required for highway use.

b) 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 vehicle has no permanent structural type additions attached to it.

c) The vehicle and associated use must be permissible in any preexisting, underlying zoning district.

d) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe and Flood Prone Districts must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 62.872.

62.874 **Additional Development:** Recreational vehicles exempted in Section 62.873 lose this exemption when development occurs on the parcel exceeding $500 dollars for a structural addition to vehicle or an accessory structure such as a garage or storage building. The 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 Section 62.800 of this ordinance.

62.900 **SPECIAL DISTRICTS**

In order to permit a more flexible means of new land development and redevelopment, the City of Rochester finds that regulations are necessary to permit the creation of special districts. Such regulations shall promote the public health, safety and general welfare and shall be substantially in accord with and promote the purposes and policies of the Comprehensive Plan.

62.901 **Purposes:** The purpose of Special Districts is to establish modifications to or to supplement existing zoning regulations to accomplish a special public purpose that is supported by the goals and policies of the Comprehensive Plan and support pedestrian, bicycle, and transit friendly design. Specifically, these purposes and conditions supporting the establishment of a special district are:

A. The existence of a special and substantial public interest in protecting the existing physical character of an area or unique geological, ecological, archeological, historic, or other social characteristics of an area; or

B. The existence of a special and substantial public interest in protecting areas surrounding an individual building, group of buildings or other man-made features and their environs.

62.902 **Effect:** The effect of a special district designation shall be as an overlay district. The regulations established in special district legislation shall supersede the regulations of the underlying zoning district. To the extend they are not inconsistent with the special district regulations, the underlying zoning district requirements shall remain in effect.

62.903 **Submission Criteria:** The petition for establishment of a Special District shall be accompanied by two (2) copies of the proposed ordinance language, a summary of the intent and effect of the proposed modification, and a map indicating the boundary of the district and the boundary of the underlying zoning districts. An application fee as required in Paragraph 60.175 shall accompany the petition.

62.904 **Procedure:** An application for a Special District shall be processed under the Type III Review Procedure, with a Phase II Hearing Process utilized.
62.905 **Notifications:** Notifications for Comprehensive Special Districts shall be sent to all owners within the area proposed for rezoning and all owners owning land wholly or partially within 350 feet of the exterior boundaries of the area proposed for rezoning. For Single Purpose Special Districts, notifications shall be sent to all owners of land within the defined area of the proposed Single Purpose Special District.

62.906 **Statement of Intent:** The ordinance establishing a particular Special District shall contain a statement of intent setting forth the nature of the special and substantial public interest involved and the objectives to be promoted by special regulations or procedures within the district. The statement of intent shall also contain a statement ensuring the special district complies with the purposes outlined in Section 62.901.

62.910 **COMPREHENSIVE SPECIAL DISTRICT**

A comprehensive Special District may be initiated in the following manner:

1) One or more landowners may petition the Council to adopt Special District Regulations when all lands are under the ownership of the applicant(s);

2) One or more landowners shall request the Council or Commission to initiate a Special District proposal where all properties within the proposed zoning district are not under the sole ownership of those requesting the initiating action.

62.911 A Comprehensive Special District may include regulations modifying any or all of the general zoning district, lot development, or site development standards applicable in the underlying zoning district.

62.920 **SINGLE PURPOSE SPECIAL DISTRICT**

Owners of sixty percent (60%) or more of the land within any defined area may petition the Council for creation of a single purpose Special District.

62.921 The proposed Special District may be established for the purpose of modifying any of the Lot Development Standards found in Chapter 63 of the ordinance on an area-wide basis.

62.930 **AREA ACCESSORY DEVELOPMENT**

Subdivision1. Public or cultural facilities developed to meet the social or physical needs of a neighborhood or of the City as a whole are permitted according to the regulations contained in this section.

Subd. 2. Area accessory developments include:

A. The erection, construction, alteration or maintenance by a public or private utility, or by a governmental agency, of an underground or overhead gas, electrical, steam, water or communication distribution system, including commercial wireless telecommunication service towers, or a waste or runoff disposal systems, or public safety system, including poles, wire, mains, drains, sewers, pipe, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, solid waste collection stations, WECS, WECS Meteorological Tower, Solar Collection System and other similar equipment and accessories in connection therewith, necessary for the furnishing of adequate service by such public utilities or governmental agencies or for the public health or safety or general welfare.

B. Utility stations, such as static transformer stations, booster stations, transmitters, water or sewage pump stations, storage reservoirs, provided that there is no yard or garage for service or storage.
C. Major water and sewer facilities, such as treatment plants, and public waste to energy plants.

D. Public emergency service facilities or other public service facilities needing location in the area to permit effective service within the area, such as branch post offices.

E. Public park or recreation areas, non-profit community centers, and centers for neighborhood social services.

F. Nursery, elementary and secondary schools.

G. Churches, convents, monasteries.

H. Major governmental or non-profit organization office buildings.

I. Publicly owned cultural facilities, such as museums, libraries, art galleries, auditoriums, civic centers, or advanced education facilities.

J. Structures used for the collection of recyclable materials such as paper, glass or aluminum. This does not include containers utilized in the recycling of such materials.

K. Cemeteries, columbariums or mausoleums.

L. Social service center providing meals/sleeping or other without trained personnel on a volunteer basis.

M. Post secondary degree granting public or private colleges and universities.

Subd. 3. Certain other public uses, such as landfills, correctional facilities, or hazardous waste facilities, are approved under the regulations of section 62.700.

62.931 Zoning Certificate Required: No area accessory development shall be established or constructed unless a zoning certificate evidencing compliance with the provisions of this ordinance has been issued. Facilities listed in Paragraph 62.930 (1) do not require zoning certificates if reviewed as part of a Land Subdivision, Site Planning or Conditional Use Permit, or as part of a public improvement project sponsored by a governmental agency.

62.932 Lot Size Requirements: All area accessory developments shall be located on sites of sufficient size for the development intended so that all requirements for bufferyards, setbacks, access, and other criteria specified by this ordinance may be met.

62.933 Permitted Zoning Districts: Area accessory developments which may be permitted in R-Sa, R-1, CN-NR, R-1x, R-2, R-2x, R-3, R-4 or the Developing District Residentially Planned Areas and CDC-Residential Areas are limited to Section 62.930, Subd. 2 (A), (B), (D), (E), (F), (G), (J), (K) and (L). The area accessory development described in Section 62.930, Subd. 2(M) is permitted in the CDC-Residential District. WECS and WECS Meteorological Towers may be permitted as a Type III, Phase I conditional use permit in the CDC zoning districts. The Common Council shall be the hearing body. All uses listed in section 62.930 may be permitted in any nonresidential district. Applicable general zoning district and site appearance standards are found in the appropriate zoning district tables.
62.934 **Miscellaneous Standards:**

1) **Public Bus Shelters:** Public bus shelters used for the temporary sheltering of passengers using public buses, may be exempted by the City Council from any or all of the requirements contained in this ordinance provided, however, that no public bus shelter shall be constructed without prior review and approval by the City Council of the design and location of such shelter. A variance shall not be required for the granting of such exemption.

2) **Recycling Drop Boxes:** Such structures may be located anywhere on a lot except in a required traffic visibility area or a required bufferyard.

3) Storage reservoirs shall be setback from all property lines a distance equal to the height of structure.

62.935 **Off Street Parking Required:** Off-street parking spaces shall be required for all area accessory uses according to the following schedule. All parking areas shall conform to the design requirements of chapter 63.400.

<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churches, Auditoriums &amp; Other places of Assembly</td>
<td>1 space per 4 seats</td>
</tr>
<tr>
<td>Elementary &amp; Nursery Schools</td>
<td>1 space per employee</td>
</tr>
<tr>
<td>Middle &amp; Senior High Schools</td>
<td>1 space per every two employees plus 1 space for every ten students or 1 space for every four seats in the largest assembly hall (whichever is greater)</td>
</tr>
<tr>
<td>Public Libraries, Art Galleries, Museums, etc.</td>
<td>1 space per 500 square feet floor area</td>
</tr>
<tr>
<td>Offices</td>
<td>1 space per 400 square feet floor area</td>
</tr>
<tr>
<td>Colleges and Universities Other Uses</td>
<td>Parking study must be submitted, but not less than 1 space per classroom and other rooms used by students and faculty plus 1 space per 5 students based on the maximum number of students attending classes at any one time.</td>
</tr>
<tr>
<td>Other Uses</td>
<td>1 space per two employees on the largest work shift.</td>
</tr>
</tbody>
</table>

62.936 **Accessory Site Location Standards:** Site location standards shall be met for all area accessory uses according to the following table.

### AREA ACCESSORY DEVELOPMENTS SITE LOCATION STANDARDS

The standards in this table identify the Site Location Requirements for Area Accessory Developments in all Zoning Districts. The Site Location Requirements are described in section 63.250. The permitted uses are described in section 62.930, subd. 2 (A) – (M).

<table>
<thead>
<tr>
<th>LIST OF PERMITTED USES</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential Uses</td>
</tr>
<tr>
<td>Utilities (A)</td>
<td></td>
</tr>
<tr>
<td>Utility Stations (B)</td>
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<tr>
<td>Major Water and Sewer Facilities (C)</td>
<td>*</td>
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<tr>
<td>Public Emergency Facilities (D)</td>
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<tr>
<td>Parks and Recreation Facilities (E)</td>
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<tr>
<td>Neighborhood</td>
<td>E</td>
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<tr>
<td>Regional</td>
<td>D</td>
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<tr>
<td>Schools (F)</td>
<td></td>
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<tr>
<td>Nursery</td>
<td>E</td>
</tr>
<tr>
<td>Elementary</td>
<td>D</td>
</tr>
</tbody>
</table>
Commercial Wireless Telecommunication Services and Towers:

Subdivision 1. Purpose. The City of Rochester acknowledges the legal right of wireless telecommunications providers to do business within the City. The City further acknowledges that, pursuant to federal law, the City’s regulations must be nondiscriminatory, must not be based on the health effects of radio frequency emissions and must not prohibit the delivery of telecommunications services. Accordingly, in order to establish uniform, nondiscriminatory, and competitively-neutral regulations that protect the public health, safety and general welfare of the community, these regulations are intended to:

A. facilitate the provision of commercial wireless telecommunication services in City of Rochester and surrounding area;

B. minimize adverse visual effects of towers through careful design and siting standards;

C. avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting and setback requirements;

D. encourage the placement of commercial wireless telecommunication service towers in non-residential zoning districts or alternatively on commercial, industrial, or institutional property and large publicly-owned parcels as is specified in the Locational Priorities section; and

E. minimize the total number of existing and new towers needed to serve the community, and maximize the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas.

Subd. 2. Locational Priorities and Zoning District Procedural Requirements:

A. The suitability of sites for commercial wireless telecommunications facilities must be determined based on location and facilities needs. The table below establishes priorities for location. The table proceeds from those sites and facilities that the city identifies as having the least impact designated as #1 (the most attractive settings for new commercial wireless telecommunications facilities) to settings that have the most impact on surrounding residential neighborhoods designated as #9 (considered the least attractive settings).

B. The table specifies the zoning procedure that will be required. The procedure is dependent on the zoning district, location, and type of commercial wireless telecommunications facility that is proposed by an applicant. (Within this table the term “facility” shall apply to any portion of a commercial wireless telecommunications service and related facilities.)
### Zoning District and Location

<table>
<thead>
<tr>
<th>Telecommunications Facility</th>
<th>Property located in a non-residential zoning district</th>
<th>Property located in a residential zoning district and on an institutional or public property over two (2) acres in size and greater than 200’ from a residential dwelling</th>
<th>Property located in a residential zoning district and on property that is less than two (2) acres in size; or located on any property zoned residential that is within 200 feet of a residential dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of a facility on an existing tower, building, or structure (new service location)</td>
<td>Procedure: Type I Priority location: 1</td>
<td>Procedure: Type I Priority location: 2</td>
<td>Procedure: Type II conditional use* Priority location: 5</td>
</tr>
<tr>
<td>Construction of a facility on an existing tower, building, or structure where no facility is currently located</td>
<td>Procedure: Type I Priority location: 3</td>
<td>Procedure: Type II conditional use Priority location: 4</td>
<td>Procedure: Type III, Phase I conditional use* Priority location: 6</td>
</tr>
<tr>
<td>Construction of a tower for a facility</td>
<td>Procedure: Type I, unless located within 200’ of a dwelling then the procedure shall be a Type III, Phase I conditional use</td>
<td>Procedure: Type II conditional use Priority location: 8</td>
<td>Procedure: Type III, Phase I conditional use Priority location: 9</td>
</tr>
</tbody>
</table>

*NOTE: Installations of accessory equipment within the base of a Rochester Public Utilities water tower shall be processed as a Type I permit.*

Subd. 3. **Tower and Accessory Structure Height:** In residential zoning districts telecommunications towers shall not exceed 199 feet in height including the tower and attached antennas. All proposed towers and all accessory structures or buildings shall meet the maximum height provisions of the underlying zoning district and section 60.424, subd. 6 (A)(3). The height of towers shall be determined by measuring the vertical distance from the tower’s point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted on top of other structures or buildings, the combined height of the structure or building and tower must meet the height requirements of the applicable zoning district. Antennas placed on non-telecommunications related structures or buildings shall have a height of not more than 25 feet.

Subd. 4a. **Tower and Accessory Structure Setback:** Towers shall conform to the setback requirements of the underlying zoning district as determined for area accessory development. Where a tower exceeds maximum height limitations in the zoning district the minimum setback shall be established by subsection C of this section and section 60.424, subd. 6 (A)(3), Design Modification - Height. Towers located in districts with no height restriction shall be required to meet the setback requirements of section 60.424, subd. 6 (A)(3).

Subd. 4b. **Setback Reduction:** The setback for a proposed monopole tower located in a non-residential zoning district may be reduced in distance from the requirements described in subd. 4a under the following circumstance: The monopole tower setbacks may be reduced to the dimensions of the defined “fall zone” of the tower if the applicant for the permit so requests and provides an engineering report to the Zoning Administrator that includes a written and illustrative analysis of how and where the tower will collapse upon itself and a scale drawing of the “fall zone.” However, in all cases in which the monopole tower is proposed to be built adjacent to a residential district, the setback of the tower shall be the height of the tower.

Subd. 5. **Equipment, Structure or Cabinet Setback:**

A. All structures or cabinets shall conform to the setback requirements of the underlying zoning district as specified for area accessory development.

B. Under a conditional use permit the Commission must determine, by means of a Design Modification (sections 60.422-60.423) as part of the conditional use application, the structure or cabinet setback and buffering. The Commission must consider the lot size, surrounding land uses, site characteristics such as topography and existing vegetation, and proximity of dwellings to the proposed accessory structures. The Commission must
determine the most appropriate method for buffering structures or cabinets by applying the requirements of subsection 11.

C. Where fences are used to control unauthorized climbing of towers, the site plan shall conform to the requirements for fence setbacks in Section 63.126. Fences or walls shall be located between the bufferyards and tower based on the standards of section 63.265, subd. 2.

Subd. 6. **Towers and Services as the Principal Use:** In any residential district, a commercial wireless telecommunications tower shall be the only principal use permitted on a lot, except where located on institutional or publicly owned property where it may be an accessory use. Equipment structures or cabinets serving the telecommunications tower on a property may be permitted as regulated by this section of the ordinance. Equipment structures or cabinets separate from a tower or antennas may be permitted as specified in subsection 2.

Subd. 7. **Tower Design Requirements:**

A. Towers and antennas shall blend in to the surrounding environment through the use of color and camouflaging architectural treatment except where color is dictated by federal or state authorities. Tower color shall be a solid color, not multi-colored, and shall be light blue, light beige or rust colored. Rust color on towers shall be used only on sites where there is a predominance of woodland.

B. New towers shall be a monopole design. Existing towers may be used for the placement of antennas and will not be required to be of a monopole design.

C. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair when the tower is located in any residential zoning district or located on a lot that is within 200 feet of a residential zoning district, a designated residential area on the land use plan, or where residential uses currently exist.

Subd. 8. **Antenna Co-location:**

A. All commercial wireless telecommunication towers or antennas erected, constructed or located within the City shall comply with the following requirements:

(1) A proposal for a new tower or antennas shall not be approved unless the City finds that the telecommunications equipment planned for the proposed structure cannot be accommodated on an existing or approved tower or structure within a one mile search radius of the proposed tower due to one or more of the following reasons:

(a) the planned equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a qualified and licensed professional engineer, and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost;

(b) the planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or structure as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;

(c) existing or approved towers and structures within the search radius that are 60 feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;
(d) other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or structure.

(2) Any proposed tower shall be designed (structurally, electrically and in all other respects) to accommodate both the applicant antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height, or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(3) Zoning certificate or conditional use permit applicants must submit in writing a response to Section 62.937(8)(A)(1),(2). Where an applicant is proposing to locate commercial wireless telecommunications equipment on an existing telecommunications tower this information is not required as part of the application. Where an applicant is proposing to locate commercial wireless telecommunications services on a structure where services now exist this information is not required. However, if a proposed location is within 200’ of a residential dwelling the applicant shall be required to submit the written information.

Subd. 9. Antennas Mounted on Existing Structures or Towers: The placement of wireless telecommunication antennas on existing buildings, structures, or towers, and placement of equipment structures or cabinets shall meet the standards of the underlying zoning district as specified for an area accessory development and the procedural requirements and standards of this section. A site plan and building plan shall be submitted to the City as part of the zoning certificate.

Subd. 10. Equipment Buildings or Cabinets:

A. All buildings, excluding cabinets, accessory to a tower or antenna, or separate from a tower or antenna location shall be:
   (1) Constructed of material on the exterior of the building walls and roof similar to the surrounding residential area when located on property in or within 200 feet of a residential zoning district;
   (2) Buffered and screened from adjoining uses as established in subsection 11.

B. Equipment buildings or cabinets shall meet the height limitations as stated in Section 62.273.

C. Equipment buildings or cabinets equipped with exterior lighting shall meet the lighting requirements of Section 63.210. No more than one light located on the equipment structure shall be permitted when the facility is located within a residential zoning district. The light shall be controlled such that the light is on only during nighttime hours. The light shall illuminate only the equipment structure to which it is attached.

Subd. 11. Buffering and Screening:

A. Towers and equipment structures and cabinets shall be buffered and screened from adjoining uses as established in the requirements of the underlying zoning district for Area Accessory Development and Section 63.260 Bufferyard Regulations.

B. In a residential zoning district all cabinets located on the ground shall be surrounded by a wood stockade fence that is the same height or higher than the cabinet or related electrical connections, but no more than 6 feet in height. A fence will not be required where a cabinet is located with one or more other buildings or structures housing telecommunications equipment or located within another structure.
C. In residential zoning districts equipment structures and towers shall be required to meet minimum requirements for landscaping as specified in one of the following options:

1) Location of a new telecommunications service in an existing developed residential neighborhood: the minimum landscaping required for all property or lease boundaries of a new telecommunications service location shall be the applicable bufferyard requirement of the most restrictive bufferyard required for the property as specified in Section 63.260.

(a) Additional landscaping may be required by the Commission as part of a conditional use permit as specified in this subsection. The added landscaping may be in response to the size of the property used for the telecommunications towers, equipment structures and cabinets, surrounding land uses, proximity of dwellings on adjacent properties to the lot lines, topography, and existing woody vegetation on the property.

(b) The commission may require that plant material be up to twice the size of the minimum required in Section 63.154.

2) Location of a new telecommunications service in an undeveloped residential neighborhood: The minimum landscaping required of a new telecommunications service location shall consist of the applicable bufferyard requirements as specified in Section 63.260.

3) Location of a new telecommunications service in a non-residential zoning district: The minimum landscaping required of a new telecommunications service location shall consist of the applicable bufferyard requirements as specified in Section 63.260.

4) Location of a new telecommunications service at an existing telecommunications service location: Where a proposed site is found to be non-conforming for bufferyard requirements the applicant shall be required to bring the site into conformance with Section 63.260 where located within a residential zoning district.

D. All landscaping shall be maintained by the property owner or a designated company or public agency. All plant material that dies must be replaced within one growing season.

Subd. 12. Signs and Advertising: The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Subd. 13. Tower Lighting:

A. A tower shall not be illuminated by artificial means and shall not have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers or other illuminating device, except as required by the Federal Aviation Administration, Federal Communications Commission or any state agency. Strobe lights will not be permitted for night time tower lighting. The applicant shall choose from alternative lighting standards supplied by the Federal Aviation Administration, Federal Communications Commission or state agency. The applicant shall submit with their application the required lighting standards specified by these agencies.

B. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

Subd. 14. Abandoned or Unused Towers: Abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the zoning administrator. In the event that a tower is not removed within...
12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal may be assessed against the property.

Subd. 15. **Public Safety Telecommunications Interference:** Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All zoning certificate applications shall include adequate information that will be reviewed by the City and County public safety communications system before a certificate may be issued. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the City and County at least ten calendar days in advance of changes and allow the City and County to monitor interference levels during the testing process.

Subd. 16. **Additional Submittal Requirements:** In addition to the information required elsewhere, applications shall include the following information:

A. A report from a licensed professional engineer that describes the tower’s capacity, including the number and type of antennas that it can accommodate;

B. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use; and

C. Information specifically indicating how a tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.

Subd. 17. **Registration of Commercial Wireless Telecommunication Services and Towers:**

A. Purpose. The purpose of registration under this ordinance is to provide the city with accurate and current information concerning commercial wireless telecommunications services and to assist the city in the administration of this section of the ordinance. This requirement shall apply to companies that offer or provide services within the City or that own or operate facilities, including but not limited to antennas and towers, within the city.

B. Registration and Application Requirements. Commercial wireless telecommunications services and tower companies that offer or provide any telecommunications services for a fee directly to the public or have facilities within the city shall register and provide to the city, pursuant to this ordinance the following information:

   (1) the identity and legal status of the registrant, including affiliates;
   (2) the name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement;
   (3) a narrative and map description of registrants existing telecommunications facilities with the city and adjacent townships; and
   (4) such other information as the city may reasonably require.

C. This information shall be updated on an annual basis by the companies. The City may request updates of the list whenever a tower or facility is added or removed from service by a company.

**62.938 Wind Energy Conversion Systems:**

Subdivision 1. All WECS and WECS Meteorological Towers shall meet all of the requirements of this section.
Subd. 2. Location and Setback Requirements

A. Setback from property lines:

(1) For freestanding WECS, unless a project site includes multiple properties the setback shall be 1.1 times the total height of the WECS. Where WECS are proposed that include multiple properties, wind turbine setbacks shall be from the project area boundaries as described in the application. WECS Meteorological Towers shall be setback 1.1 times the total height.

(2) WECS that are placed on principal or accessory structures and do not exceed the maximum height must meet the minimum setback permitted in the applicable zoning district. WECS placed on principal buildings must not extend beyond the property line in any operational position. WECS attached to principal or accessory structures that exceed the maximum height standard and that are reviewed through the Design Modification process (section 60.424) shall meet the minimum setback of 1.1 times the total height of the WECS.

B. Separation Distance:

(1) Freestanding WECS with a height of more than 100 feet must be a minimum distance of 600 feet from state wildlife management areas and other MNDNR lands, Types 3-5 wetlands, and from the flood control reservoirs. This separation distance does not apply to vertical axis WECS.

(2) For freestanding Small Utility WECS the separation distance from on-site dwelling units shall be 1.1 times the total height of the WECS.

(3) All components of a WECS must be located at least ten feet from any power line.

C. Setbacks for accessory structures and facilities: Substations, facility buildings and other structures that are part of the WECS shall meet the setback requirements for the zoning district in which the project is located.

Subd. 3 Aesthetic and Environmental Requirements:

A. Tower type: For Small Utility WECS, the wind turbine towers shall be freestanding and of tubular construction. Guyed towers are not a permitted structure in any zoning district.

B. Color and finish: All wind turbines and towers that are part of a WECS shall be a neutral color including white, grey, light blue, or other non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be non-reflective.

C. Lighting: There must be no illumination of WECS unless required by the FAA. The site shall comply with all FAA lighting requirements. White strobe lights are not permitted unless required by the FAA. White strobe lights shall not be used between dusk and dawn. Red strobe lights are required for all towers located on the perimeter of the site for nighttime illumination to reduce impacts of migrating birds. Interior towers shall not be lit unless required by the FAA standards. Simultaneously pulsing lights are required for the perimeter lights.

D. Signage: The manufacturers or owner’s company name and/or logo may be placed upon the nacelle of the WECS. Warning signs shall be placed on the tower for safety purposes. No other signs may be permitted on the WECS.

E. Location: Wind energy conversion systems shall not be located within floodplain districts as regulated in section 62.800, the Shoreland district as regulated in section 62.1000, or wetlands as regulated under Minnesota Rules Chapter 8420.
F. **Waste:** All previously used parts and equipment shall be removed from the site and properly disposed. All hazardous waste generated by the operation and maintenance of the WECS shall be removed from the site and recycled or disposed of properly as required under Minnesota statutes and rules.

G. **Height:** Height shall be as specified in the zoning district within which the WECS is located. WECS that are placed on principal structures may not exceed the height permitted in the applicable zoning district. Section 60.424 Design Modifications establishes additional height standards for freestanding WECS.

H. **Number of WECS:** No more than one freestanding WECS is permissible per development site within the R-Sa, R-1, CN-NR, R-1x and R-2 districts.

**Subd. 4 Noise and Safety Standards:**

A. **Noise:** A WECS shall be designed, installed and operated so that the noise generated at the property line does not exceed that allowed by section 63.650. During short-term events including utility outages and severe wind events, the noise level may not exceed 65 dBA as measured at the property line.

B. **Overspeed Controls:** All wind turbines shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within unit design limits. A professional engineer must certify that the wind turbine is equipped with rotor and overspeed controls.

C. **Blade Clearance:** No portion of a blade on a horizontal axis Small utility WECS shall extend closer to the ground than 50 feet. Blade clearance for Small Non-utility WECS shall be no less than 30 feet. This provision does not apply to a vertical axis WECS or those attached to the roof of a building.

D. **Climbing Apparatus:** To avoid unauthorized climbing all climbing apparatus located outside of the tower shall be located at least 12 feet above the ground and shall have controlled access.

E. **Intra-project Power and Communication Lines:** All power lines used to collect power from individual WECS and all communication lines shall be buried underground, except for the connections to a public utility company transmission system.

F. **Code Compliance:** WECS and WECS Meteorological Towers shall be grounded. WECS shall comply with all city and state building and electrical codes.

**Subd. 5. Utility Notification and Interconnection.** Property owners shall be required to notify the electrical utility where the WECS is connected to the electrical utility system.

**Subd. 6. Decommissioning of WECS.** The owners of Small utility WECS shall ensure that facilities are decommissioned upon the end of project life or upon facility abandonment. A decommissioning plan shall be submitted with the project application. Decommissioning shall include: removal of all structures and electrical transmission components, to a depth of 4 feet, restoration of the soil and vegetation that complies with the city grading requirements. WECS shall be removed if not in use continuously for any twelve month period of time.
62.940 OFFENDER TRANSITIONAL HOUSING:

In order to reduce the likelihood of recidivism; provide for the public safety; provide protection and security for crime victims; maintain neighborhood stability; re-integrate former offenders into the mainstream, law-abiding community; prevent homelessness among returning offenders; and facilitate support and supervision for offenders, the City of Rochester finds it desirable to provide for locations within the City where offender transitional housing can be established subject to the limitations of this Code.

62.941 Separation and Concentration in Residential Zones: Subdivision 1. Separation in Residential Zones. Offender Transitional Housing may be established in a residential zone only on a parcel that is at least as far as the distances indicated in the table below from another existing, or approved but not yet constructed, Offender Transitional Housing use in any zoning district:

<table>
<thead>
<tr>
<th>Zoning Designation</th>
<th>Separation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-Sa, R-1, CN-NR, R-1x, and special districts and PUD’s with underlying R-Sa, R-1, or R-1x zoning</td>
<td>&gt;= 1,000 feet</td>
</tr>
<tr>
<td>R-2 and special districts and PUD’s with underlying R-2 zoning</td>
<td>&gt;= 600 feet</td>
</tr>
<tr>
<td>R-3 and special districts and PUD’s with underlying R-3 zoning</td>
<td>&gt;= 400 feet</td>
</tr>
<tr>
<td>R-4, CDC Residential, and special districts and PUD’s with underlying R-4 zoning</td>
<td>no minimum separation</td>
</tr>
</tbody>
</table>

Subd. 2. Concentration in Residential Zones. In residentially zoned areas (R-Sa, R-1 through R-4, CDC Residential, and special districts and PUDs with underlying residential zoning), a proposed Offender Transitional Housing use may not cause the number of Offender Transitional Housing uses within a radius of 1.5 times the required separation distance of the proposed Offender Transitional Housing use to exceed 0.5% of the total number of dwellings for developed neighborhoods within that radius, or 0.5% of the planned dwellings or permissible dwellings under Type I review within that radius for partly undeveloped or undeveloped neighborhoods.

62.942 Offender Transitional Housing in Non-Residential Zones: In any non-residential zoning district in which duplexes, multi-family residential, semi-transient accommodations, transient accommodations, congregate housing, or group residential care are permitted, Offender Transitional Housing may also be permitted as a conditional use subject to the provisions of section 62.945. For the purposes of sections 62.940 through 62.945, CDC-Residential is considered a residential zone. In non-residential zones, a proposed Offender Transitional Housing use that is within 500 feet of a residential zone may not cause the sum of the population capacity (beds or lodging units) of Offender Transitional Housing to exceed 10% of the sum of dwelling units and lodging units in parcels within a radius of 500 feet of a proposed Offender Transitional Housing use, except that where the sum of dwelling and lodging units within 500 feet is fewer than 100, the population capacity of offender transitional housing units shall not exceed 10 persons. There shall be no required minimum separation distance between Offender Transitional Housing uses in Non-Residential Zones.

62.943 Offender Transitional Housing for Sex Offenders: Subdivision 1. Any Offender Transitional Housing providing or intending to provide housing to a designated sex offender as defined by state law or administrative rule must meet the separation requirements provided in this section. Except where otherwise specified, the separation distances shall be measured from the property lines of both the offender housing and the facility from which it shall be separated.
Subdivision 2. Separation by a distance of not less than 1,000 feet is required from the following facilities.

A. Outdoor youth facilities in existence or included in approved general development plans.

B. Public active recreation parks under ten acres in size in existence or planned.

C. The playground area of any existing or planned public active recreation park over ten acres in size that is equipped with one or more playgrounds.

D. A licensed child day care facility except for a family day care facility.

E. Existing public or private nursery schools, elementary schools and secondary schools.

F. Quarry Hill Park in its entirety.

Subdivision 3. Separation by a distance of not less than 500 feet is required from a family day care or a residential facility licensed to operate as of the date of conditional use permit application for the offender transitional housing use.

62.944 Offender Transitional Housing Conditional Use Permit: An Offender Transitional Housing Use shall be considered as a Type III Phase I permit with the Council as the hearing review body. The permit shall be subject to revocation if conditions of approval are violated or if it is determined in accordance with sections 38.150 - 38.153 that the use is a Disorderly Use. If an Offender Transitional Housing Use is discontinued for a period of twelve consecutive months or if a use permit is revoked, there shall be no presumed right to reinstatement and any use at the location shall be considered in the same manner as a new use.

62.945 Density Factor, Floor Area Ratio, Lot, Structure Height, Off-Street Parking and Appearance Standards for Offender Transitional Housing: Subdivision 1. An Offender Transitional Housing use operating as a detached single family dwelling unit shall meet the lot size, landscape area, recreation space, permitted maximum height, required off-street parking, and appearance standards applicable to Group Residential Care uses in the district where located, except that an existing detached single family dwelling that is non-conforming with regard to height or lot size may be used for an Offender Transitional Housing use without bringing the structure into conformity with height and lot size standards.

Subd. 2. An Offender Transitional Housing use occupying all or a portion of a type of residential structure other than a detached single family dwelling shall meet the density, floor area ratio, lot size, landscape area, recreation space, height, off-street parking, and appearance standards applicable to the type of structure being occupied, except that an existing residential structure that is non-conforming with regard to density, floor area ratio, height, or lot size may be used for an Offender Transitional Housing use without bringing the structure into conformity with density, floor area ratio, height, and lot size standards.

Subd. 3. An Offender Transitional Housing use in a non-residential district permitting residential uses shall meet the standards for the residential use corresponding to the structure type being used, except that an existing structure that is non-conforming with regard to density, floor area ratio, height, or lot size may be used for an Offender Transitional Housing use without bringing the structure into conformity with density, floor area ratio, height, and lot size standards.

Subd. 4. An Offender Transitional Housing Use in a non-residential district permitting transient accommodations and using all or a portion of a structure used or designed for transient accommodations shall meet the standards for transient accommodations.


**62.1000 SHORELAND DISTRICT:**

The uncontrolled use of shorelands within the City of Rochester, Minnesota, affects the public health, safety, and general welfare not only by contributing to the pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of public waters. The Legislature of Minnesota has delegated this responsibility to local governments within the state. This responsibility is hereby recognized by the City of Rochester.

**62.1001 JURISDICTION:**

The shoreland provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 62.1002 of this ordinance. Pursuant to Minnesota Regulations 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in municipalities need be regulated by the local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from the shoreland provisions. In addition, the following reaches of stream are exempt from the shoreland management standards of Section 62.1000 as follows:

1) South Fork Zumbro River from the centerline of the T.H. 52 bridge to the centerline of the 37th Street NW bridge.

2) Silver Creek corridor from the eastern boundary of Quarry Hill park to its confluence with the South Fork Zumbro River.

3) Bear Creek from the centerline of the T.H. 14 bridge downstream to its confluence with the South Fork Zumbro River.

4) Cascade Creek from the centerline of the T.H. 52 bridge downstream to its confluence with the South Fork Zumbro River.

5) Willow Creek from the centerline of 40th Street SW, downstream to the western boundary of Section 24, T106N, R14W, Rochester Township.

6) North Run of the North Fork Cascade Creek from the centerline of 7th Street NW to its confluence with Cascade Creek.

**62.1002 SHORELAND CLASSIFICATION SYSTEM**

The public waters of the City of Rochester have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Olmsted County, Minnesota.

1) The shoreland area for the waterbodies listed below shall be as defined in section 60.200 and as shown on the Official Zoning Map.

   a) **Urban Rivers**: South Fork Zumbro River - From T.H. 52 bridge to North City Limit Boundary

   b) **Agricultural Rivers**: South Fork Zumbro River - From T.H. 52 bridge westerly to West City Limit Boundary

   c) **Tributary Streams**: All protected watercourses in the City of Rochester shown on the Protected Waters Inventory Map for Olmsted County, a copy of which is hereby adopted by reference, not given a classification as listed above shall be classified as Tributary Streams.
62.1003 NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES

1) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the Commissioner, or the Commissioner’s designated representative, and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

2) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner, or the Commissioner’s designated representative, and postmarked within ten (10) days of final action.

62.1004 PHYSICAL LIMITATIONS

1) Lot Area and Width Regulations:

   a) The use of private sewage disposal systems and private water supply to serve any new development within the City of Rochester is subject to the requirements of Paragraph 64.132 of the Rochester Land Development Manual. In addition, the lot width requirements in Paragraph 62.1004(1,b) must be met.

   b) River/Stream segments must meet the underlying zoning district lot area requirements. In addition, the following lot width standards must be met:

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Agricultural</th>
<th>Urban/Tributary (sewered)</th>
<th>Urban/Tributary (unsewered)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>150’</td>
<td>75’</td>
<td>100’</td>
</tr>
<tr>
<td>Duplex</td>
<td>225’</td>
<td>115’</td>
<td>150’</td>
</tr>
<tr>
<td>Triplex</td>
<td>300’</td>
<td>150’</td>
<td>200’</td>
</tr>
<tr>
<td>Quad</td>
<td>375’</td>
<td>190’</td>
<td>250’</td>
</tr>
</tbody>
</table>

2) Additional Special Provisions:

   a) Residential developments located within 300 feet of the Ordinary High Water Level of a lake or stream shall not exceed a base density of 4 units/acre of land within the development (this is to include any portion of a proposed lot). Lands located beyond 300 feet of the Ordinary High Water Level will be subject to the underlying zoning district density requirements of the Land Development Manual.

   b) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots may be platted as outlots. These lots do not need to meet the applicable lot area requirements, however, they must meet the minimum lot width standards set forth in this ordinance.

62.1005 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES

1) Placement of Structures on Lots: When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:
a) **Structure and On-Site Sewage System Setbacks (in feet) from Ordinary High Water Level:**

<table>
<thead>
<tr>
<th>RIVER TYPE</th>
<th>SETBACK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural</td>
<td>100’</td>
</tr>
<tr>
<td>Urban</td>
<td>50’</td>
</tr>
<tr>
<td>Tributary</td>
<td>75’</td>
</tr>
</tbody>
</table>

**CASCADE LAKE FLEXIBILITY AREA:** The public waters bounded by T.H. 14 along the north side, CSAH 34 along the south side, T.H. 52 along the east side, and CSAH 22 along the west side (known as future Cascade Lake) have been granted flexibility to the shoreland setback requirements to reduce the required structure setbacks to 40 feet from the Ordinary High Water Level of the public water bodies.

One water oriented accessory structure designed in accordance with the provisions of Section 62.1005(2) of this ordinance may be set back a minimum distance of ten (10) feet from the Ordinary High Water Level.

b) **Additional Structure Setbacks:** The following additional structure setbacks apply, regardless of the classification of the waterbody.

<table>
<thead>
<tr>
<th>SETBACK FROM</th>
<th>SETBACK (IN FEET)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top of Bluff</td>
<td>30’</td>
</tr>
<tr>
<td>Unplatted Cemetery</td>
<td>50’</td>
</tr>
</tbody>
</table>

c) **Bluff Impact Zones:** Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

d) The height of all structures must meet the underlying zoning district height requirements.

2) **Design Criteria for Structures:**

a) **High Water Elevations:** Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

1) For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the Ordinary High Water Level, whichever is higher;

2) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the Ordinary High Water Level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

3) Water oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation, and if long duration flooding is anticipated, the structure is built to withstand ice action and wind driven waves and debris.
b) **Water oriented accessory structures:** Each lot may have one water oriented accessory structure not meeting the normal structure setback in Section 62.1005 (1) of this ordinance if this water oriented accessory structure complies with the following provisions:

1) The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight (8) feet above grade at any point;

2) The setback of the structure or facility from the Ordinary High Water Level must be at least ten (10) feet;

3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf on conditions;

4) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;

5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

6) As an alternative for general development and recreational development waterbodies, water oriented accessory structures used solely for watercraft storage, and including storage of related boating and water oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

c) **Stairways, Lifts, and Landings:** Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

1) Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties or public open space recreational properties;

2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties or public open space recreational properties;

3) Canopies or roofs are not allowed on stairways, lifts, or landings;

4) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

5) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer leaf on conditions, whenever practical; and

6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
d) **Significant Historic Sites:** No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

e) **Steep Slopes:** The zoning administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer leaf on vegetation.

**62.1006 SHORELAND ALTERATIONS**

1) **Vegetation Alterations:**

   a) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 62.1007 of this ordinance are exempt from the vegetation alteration standards that follow.

   b) Removal or alteration of vegetation is allowed subject to the following standards:

      1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

      2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided that:

         a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf on conditions, is not substantially reduced;

         b) Along rivers, existing shading of water surfaces is preserved, and

         c) The above provisions are not applicable to the removal of tree limbs, or branches that are dead, diseased, or pose safety hazards.

2) **Topographic Alterations/Grading and Filling:**

   a) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of the above mentioned items.

   b) Public roads and parking areas are regulated by Section 62.1007 of this ordinance.

   c) Notwithstanding items a and b above, a grading and filling permit will be required for:

      1) The movement of more than ten (10) cubic yards of material on steep slopes and shore and bluff impact zones; and
2) The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.

d) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

1) Grading or filling within any wetland area must meet the applicable requirements of the Minnesota Wetlands Conservation Act.

2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

4) Methods to minimize erosion and to trap sediments before they reach any surface water feature must be used;

5) Altered areas must be stabilized to meet the erosion control policies in Section 64.321 of the Land Development Manual.

6) Fill or excavated material must not be placed in a manner that creates an unstable slope;

7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater;

8) Fill or excavated materials must not be placed in bluff impact zones;

9) Any alterations below the Ordinary High Water Level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103 G.245

10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the Ordinary High Water Level, and the height of the riprap above the Ordinary High Water Level does not exceed three (3) feet.

e) Connections to Public Waters: Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

62.1007 PLACEMENT AND DESIGN OF ROAD, DRIVEWAYS, AND PARKING AREAS

1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Construction of roads and parking areas must be designed and constructed to minimize and control erosion to public waters.

2) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement
alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

3) Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this ordinance are met.

62.1008 STORMWATER MANAGEMENT

1) General Standards

   a) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

   b) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible.

   c) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as dikes, diversion, settling basins, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

   d) Public utility projects located within shoreland areas will be processed through the Type II review process, and stormwater management standards will be considered in the review process.

2) Specific Standards

   a) Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.

   b) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the local soil and water conservation district guidelines.

   c) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

62.1009 LAND SUITABILITY

1) Each lot created through subdivision must be suitable in its natural state for the proposed use with minimum alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the subdivision.

2) Subdivisions must conform to all official controls of the community. A subdivision will not be approved where a later variance from one or more standards in the official controls would be needed to use the lots for their intended purpose.
3) Sufficient information must be submitted by the applicant for the local unit of government to make a determination of land suitability. The information should include at a minimum:

   a) The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

   b) Extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

   c) Location of 100 year flood plain areas and floodway districts from existing adopted maps or data; and

   d) A line or contour representing the Ordinary High Water Level, the "toe" and "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

62.1010 CONDITIONAL USE PERMITS - STANDARDS FOR APPROVAL

1) When deciding on a conditional use permit within the shoreland district, the following factors, in addition to the standards in Paragraph 61.146 shall also be considered:

   a) A thorough evaluation of the waterbody and topographic, vegetation, and soils conditions on the site must be made to ensure:

      1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

      2) The visibility of structures and other facilities as viewed from public waters is limited;

      3) The site is adequate for water supply and on-site sewage treatment; and

      4) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

2) Additional Conditions:

   a) Increased setbacks from the Ordinary High Water Level.

   b) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.

   c) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
62.1100 EXCAVATION ACTIVITIES & SUBSTANTIAL LAND ALTERATION

62.1101 APPLICABILITY

Subdivision 1. This section applies to certain specific, intensive land use activities that have unique impacts both on- and off-site, and which, therefore, require special regulations and approval processes to ensure their short- and long-term compatibility with adjacent properties and neighborhoods. The ordinance applies to quarries, sand or gravel excavation, and substantial land alteration activities, herein defined below. For purposes of simplicity, all three activities are sometimes collectively referred to herein as “excavation activities.

Subd. 2. Definition of Activities.

A. Substantial Land Alteration:

1. A development activity that meets or exceeds any of the following thresholds and exceeds practices allowed through a minor grading permit as defined by section 61.153:
   (a) Grading activities designed to occur for more than 24 months and less than 48 months;
   (b) The removal from a site of more than 10,000 cubic yards of earth material per acre (gross) and less than 20,000 cubic yards of earth material per acre (gross);
   (c) An exposed bedrock slope steeper than 3:1 that is over ten feet and less than 25 feet in height occurring at any time during or following excavation;
   (d) A movement of 500 cubic yards or more of earth that involves a change in natural or pre-existing grades of ten or more vertical feet for any portion of a parcel; or
   (e) Any movement of earth on the entire parcel in excess of 100,000 cubic yards.

2. A substantial land alteration activity shall only be permitted in the following zoning districts pursuant to the Type III, Phase II conditional use permit process and standards, and the site location criteria, exterior storage regulations and reclamation standards as set forth in this code:
   (a) Residential Districts
   (b) B-1 Restricted Commercial
   (c) B-4 General Commercial
   (d) B-5 Neighborhood Commercial
   (e) M-1 Mixed Commercial – Industrial
   (f) M-2 Industrial
   (g) M-3 Light Industrial
(h) Agricultural

pursuant to the Type III, Phase II conditional use permit (CUP) process and standards and the site location criteria, exterior storage regulations and reclamation standards as set forth in this Code.

B. Quarry:

1. A development activity that meets or exceeds any of the following thresholds and exceeds practices allowed through a minor grading permit as defined by section 61.153:

   (a) Activities principally designed to mine, extract or remove bedrock materials for commercial purposes;

   (b) An exposed bedrock slope steeper than 3:1 that is over 25 feet in height occurring at any time during or following excavation.

   (c) The temporary or permanent exposure of rock face made as part of or following excavation in excess of 25 feet in height. The measurement of height of the exposed rock face shall be the vertical measurement from the lowest elevation of the excavation to the top of the exposed face. Multiple faces shall be added together to determine height;

   (d) Removal from a site of more than 20,000 cubic yards of earth material per acre of land being excavated or 100,000 cubic yards of earth for the entire site;

   (e) An excavation activity utilizing a crusher; or

   (f) A substantial land alteration (see above) meeting any of the above characteristics.

2. A quarry shall only be permitted in the following zoning districts pursuant to the Type III, Phase II conditional use permit process and standards, and the site location criteria, exterior storage regulations and reclamation standards as set forth in this code:

   (a) B-4 General Commercial

   (b) M-1 Mixed Commercial – Industrial

   (c) M-2 Industrial

   (d) Agricultural

pursuant to the Type III, Phase II conditional use permit (CUP) process and standards and the site location criteria, exterior storage regulations and reclamation standards as set forth in this Code.

C. Sand or Gravel Excavation:

1. An excavation or unconsolidated sediments that meets or exceeds any of the following thresholds and exceeds practices allowed through a minor grading permit as defined by section 61.153:
(a) Activities principally designed to mine, extract or remove unconsolidated sediments for commercial purposes;

(b) Removal from the site of more than 20,000 cubic yards of unconsolidated sediments per acre of land being excavated or more than 100,000 cubic yards from a single site; or

(c) A substantial land alteration (see above) designed to occur for more than 48 months.

2. Sand and gravel excavation activities shall be permitted only in the following zoning districts pursuant to the Type III, Phase II conditional use permit process and standards, and the site location criteria, exterior storage regulations and reclamation standards as set forth in this code:

(a) Residential Districts

(b) B-1 Restricted Commercial

(c) B-4 General Commercial

(d) B-5 Neighborhood Commercial

(e) M-1 Mixed Commercial – Industrial

(f) M-2 Industrial

(g) Agricultural

pursuant to the Type III, Phase II conditional use permit (CUP) process and standards and the site location criteria, exterior storage regulations and reclamation standards as set forth in this Code.
EXEMPT ACTIVITIES:

1) Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1113 shall not apply to the following activities:

a) The land area included within 15’ or as reasonably defined by the City Engineer to allow soil stabilization of the identified boundaries of a building submitted for a building footing and foundation permit.

b) Stormwater management facilities or other public infrastructure approved by the City.

c) Excavations or blasting for wells, tunnels or utilities that have received all necessary governmental approvals.

d) Refuse disposal sites controlled by other applicable City, State or federal regulations.

e) On-going cemetery (burial) operations.

f) Development activity for which a general development plan, subdivision permit or other Type III approval has resulted in the review of the proposed cut and fill work and for which a grading permit is required. To qualify for this exemption, the Council shall have made the findings established in Section 62.1105.

g) Uses in the Central Development Core (CDC) District.

62.1102 PURPOSE AND INTENT:

1) To protect the health, safety and welfare of the citizens of Rochester and to preserve the quality of life, the economy, infrastructure, environment, natural resources and natural landscapes;

2) To protect the environment of Rochester and to protect its residents from the harmful or hazardous effects of, or nuisances resulting from, substantial land alteration activities, quarrying, and sand or gravel excavation including, but not limited to, degradation of air quality, ground water quality, and/or visual quality; erosion of soils; adverse noise and vibration; explosive hazards; adverse traffic and road conditions; and any adverse effects of processing materials;

3) To protect the scenic quality of Rochester, its natural landscapes, environment, wildlife and wildlife habitat and to protect its residents from significant adverse effects of excavation activities;

4) To ensure the compatibility of the proposed excavation activities with existing development and development anticipated in the future pursuant to the City’s adopted Comprehensive Plan;

5) To assure that the required reclamation of affected areas which are disturbed by excavation activities is sufficient to provide for short term and long term environmental and aesthetic benefits to the City and to the surrounding properties and neighborhoods;
6) To assure that necessary off-site maintenance and improvements to public roads or utilities required as a result of the on-site effects of excavation activities are adequately and fully funded and implemented;

7) To provide for a fair and efficient system for the regulation and monitoring of excavation activities;

8) To protect the long term usefulness of adjacent properties for the permitted purposes as identified in the City’s adopted, current Land Use Plan;

9) To protect the tax base of the community;

10) To protect the use and enjoyment of adjacent properties;

11) To protect and make reasonable use of the sand and gravel and other mineral resources excavated or extracted from the site of the excavation activities;

12) To establish regulations and performance standards for the excavation, processing, use and transport of earth materials, mined materials, quarried materials and unconsolidated sediments in such a manner as to ensure maximum protection to surrounding properties and to the physical environment through proper siting of activities and structures, and through the use of buffering, setbacks, visual screening, height limitations, proper access routing, and appropriate noise, vibration, air quality and water quality controls;

13) To ensure that all permitted excavation activities are compatible with the South Zumbro Water Quality Plan and the Stormwater Management Plan or adopted City drainage or stormwater policies; and

14) To ensure that all permitted excavation activities are compatible with all current and applicable neighborhood plans, area or regional plans, public facility master plans, City policies and the City’s budget and Capital Improvements Program.

62.1103 PROCEDURES:

1) Conditional Use Permit Required

   All excavation activities as defined herein shall be considered “Conditional Uses” in all of the zoning districts in which they are listed, and requests for approval of such activities shall be processed pursuant to the Type III, Phase II hearing process (public hearing with both the Planning & Zoning Commission and City Council) as set forth in Section 61.140 et seq.

2) Other Required Permits

   Excavation activities, as defined herein, include a broad range of land-disturbance activities, some of which may require additional City permits and many of which require other local, State and federal permits. It is the sole responsibility of the Applicant to secure any additional permits required by other governmental entities for the proposed use. The City may, at its sole discretion, require that the Applicant obtain all other required permits prior to applying for the required City conditional use permit and to require the Applicant to submit evidence of such other permits to the City as part of the conditional use permit application.

3) Other Requirements

   Applicants are not required to submit subdivision plans/plats for “excavation activities” nor are they required to obtain preliminary or final plat approval; provided, however, that if “development”
is proposed, subdivision and platting shall be required in accordance with City regulations. [See § 62.1110, Permits, infra.]

62.1104 FINDINGS NECESSARY FOR ISSUANCE OF CONDITIONAL USE PERMITS:

The City shall approve a conditional use permit authorizing an excavation activity only if all of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

A. The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;

B. Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;

C. The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;

D. The proposed use will not adversely affect air quality or ground water or surface water quality;

E. The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;

F. The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;

G. The activity will not unduly affect the use and enjoyment of adjacent properties;

H. The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;

I. The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;

J. The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;

K. The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;

L. The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
M. Permanent and interim erosion and sediment control plans have been approved by the City;

N. Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.

O. The proposed activity complies with the requirements of the adopted building code.

P. For areas of the Decorah Edge or the Cummingsville Formation that are within 1,000 feet of Edge Support Areas, groundwater supported wetlands, or wellhead protection emergency response area and delineated by Rochester Public Utilities for municipal wells, the land alteration is the minimum amount necessary to develop at the site capacity determined in accordance with Section 61.532.

Q. For any areas in which groundwater flows may be intercepted by excavation, provision is made to direct such flows to managed wetlands for treatment and re-infiltration, if feasible.

62.1105 Required Plans and Information:

An application for a Conditional Use Permit for an excavation activity shall include the following information, in addition to that required by Section 61.140 (information required for Conditional Use Permits). Information shall be submitted in proper written and/or graphic form. The Zoning Administrator may waive informational requirements for required plans subject to a recommendation from the City Engineer that such information is redundant or unnecessary to evaluate compliance with the findings and standards established herein.

1) Required Plans:

   a) All Applicants for a conditional use permit for an excavation activity must, in addition to all other requirements for conditional use permits as set forth in Section 61.140 et seq., submit the following plans:

      1) Site/Grading Plan
      2) Permanent and Interim Erosion and Sediment Control Plan
      3) Traffic Plan
      4) Operational Plan
      5) Reclamation Plan
      6) Phasing Plan
      7) Drainage Plan
      8) Completed Wetland Delineation
      9) Other plans and/or information, as may be reasonably requested by Staff, the Planning Commission or the City Council.

2) Assessment of Existing/Pre-Alteration Conditions: The Assessment shall be submitted at the time of submission of the conditional use permit application pursuant to Section 61.140, and shall include the following additional information:

   a) Soil types - including soil borings and soils report, depth of overburden, and area to be disturbed;

   b) Existing topography (at 2 ft. contours) of the property and 200 ft. beyond the property lines of the site; where there is an existing water body, 2 ft. contours for a distance of 20 ft. from the waters edge into the water body shall be included;
c) Existing roads and rights-of-way, proposed roads as identified in the Long Range Transportation Plan, including adopted Official Map boundaries;

d) An assessment of existing roadway conditions adjacent to the site and proposed to be used for hauling. This assessment is to be prepared in coordination with, and approved by, the City Engineer;

e) Existing land use, land cover and structures, including fences and abandoned structures on the site and properties abutting the subject site; identification of the distance to the nearest habitable dwelling;

f) Boundaries of any previous excavations or excavation activities on the site or on adjacent properties;

g) Wells, abandoned or active, on the subject property. Where blasting is proposed, all wells, abandoned or active, within ½ mile of the property; where open water bodies will be created, active or abandoned wells within ¼ mile of the property;

h) Location of any Floodway, 100 yr. flood fringe, shoreland areas and Wetland Delineation;

i) The existence and location of any historic sites on the property;

j) Existing Water and/or Sanitary sewer lines crossing the site and any existing water or sanitary sewer facilities on the site or on property adjacent to the site;

k) Existing public facilities on the site or on property adjacent to the site;

l) Any schools within 1,000 feet of the outer boundaries of any portion of the site;

m) Existing land use on all adjacent properties and on properties within 1,000 feet of the site;

n) If adjacent and nearby properties are undeveloped, the current zoning of such parcels and the land use description of such parcels as shown on the adopted City Comprehensive Plan;

o) Any adopted area or specific plans which include the site and surrounding areas;

p) Any public facility master plans which indicate the probable future expenditure of public funds for facilities on or adjacent to the site;

q) Any proposed or future public improvements on the site or adjacent to the site as indicated in the City’s Annual Budget or current Capital Improvements Program;

r) Any traffic studies including the site, areas adjacent to the site, or existing or future roads serving the site or adjacent parcels, including traffic counts, levels of service, demand/capacity ratios and other relevant traffic information or analyses.

s) The present use of the site, if any;

t) Any previous uses of the site, including a description of the use and when the site was utilized for such use; why the previous use was stopped, if known;

u) Existing zoning of the site and any previous rezonings;
v) Other information as may be deemed relevant by the City staff, the Planning Commission or the City Council.

3) **Grading Plan:** The Grading Plan shall be consistent with the Engineering Standards adopted by the Public Works Department in Conjunction with the Development of Subdivisions. The Grading Plan shall be submitted at the time of submission of the conditional use permit application pursuant to Section 61.140. The staff, the Planning Commission and/or the City Council may recommend and the City Council may impose reasonable conditions to mitigate the potential impacts of extensive grading, if deemed to be necessary. The City shall consider the following factors in its review of the Grading Plan:

a) Restoration and stabilization of cut and fill areas;

b) Impact on drainage patterns and stormwater management facilities, as well as the consistency with the Stormwater Management Plan or adopted drainage or stormwater policies;

c) Potential impacts on sinkholes, wells and other features affecting groundwater quality;

d) Impact on wetlands and compliance with the Wetlands Conservation Act;

e) The duration of the proposed grading activity;

f) The amount and type of material being removed from, or imported to, the site;

g) Compliance with erosion and sediment control standards as set forth in Section 64.321;

h) Adequate and appropriate surety, approved by the City Engineer and City Attorney, provided to ensure that the site will be restored to a safe condition;

i) Visual, noise and dust impact upon public parks, major roadways and residential areas;

j) Impacts of trucks and heavy equipment on the safety and maintenance of roads providing access to the site and adjacent properties;

k) Compliance with the Uniform Building code, adopted City policies and other state and federal requirements.

4) **Operations Plan:** The Operations Plan shall be submitted at the time of submission of the conditional use permit application pursuant to Section 61.140, and shall include the following information in the form of a Site Plan and an attached Report. The scale of the overall Operations Plan should be consistent with that required generally for conditional use permits. However, if the Operations Plan also shows grading, then the required scale for Grading Plans shall apply.

a) **Site Plan:** The site plan shall show the following:

1) The area of the site to be disturbed or used as part of an excavation activity;

2) The area of the site to be used for ancillary purposes, but not specifically the area to be disturbed, e.g., roads, buildings, structures, storage areas, etc.;
3) The area of the site to remain completely in open space, including bufferyards, with no man-made structures or activities (see subsection (2), Required Bufferyards, *infra*);

4) The location and types of buffering and screening to be used;

5) The location of access roads, haul roads, storage areas, structures, buildings and any other man-made structures;

b) **Required Bufferyards:**

1) During the excavation activity, a minimum bufferyard of 50 feet shall be maintained adjacent to all property boundaries and all existing rights of way and any proposed rights of way for roadways included in the Long Range Transportation Plan or for which an official map has been prepared. Upon completion of the excavation activity, the bufferyard may be discontinued and the bufferyard land area may be used for development purposes.

2) If the duration of an excavation activity will not exceed 24 months from the date of conditional use permit issuance to the date of completion of all activities, bufferyard plantings shall not be required. In all other cases, bufferyard plantings are required to be installed within the first planting season.

3) No excavation shall occur within the bufferyard and no storage of equipment or materials may be located within the bufferyard.

4) A vegetated earthen berm for erosion control purposes pursuant to the required stormwater runoff, erosion and sedimentation control plan, may be placed in the bufferyard, where approved.

5) An excavation activity shall have a bufferyard indicator of VIII and shall include bufferyard plantings as required in Section 63.260 within the 50’ bufferyard. If bufferyard plantings are not required by Section 63.260, the bufferyard shall be maintained in grass or other permanent vegetation. Where bufferyard plantings are required by Section 63.260, plantings within the 50’ bufferyard may be concentrated along the property boundary in accordance with the requirements of Section 63.265, with the balance of the bufferyard maintained in grass or other permanent vegetation. The Council may require additional screening, including berms, to protect the adjacent property owners from the visual and operational impacts of the excavation activity.

6) An excavation activity may be conducted closer than 50’ from an adjacent platted or planned road right-of-way as identified on the Long Range Transportation Plan, only if approved by the City Engineer and by the appropriate road authority.

7) The location of storage areas, proposed stockpiles, processing and loading areas and any other areas or portions of the site not kept permanently in open space.

8) A signage plan, both on-site and immediately off-site, if necessary.

9) A traffic plan showing the movement of the trucks on to the site, within the site, and from the site. The off-site portion of this plan shall show the vehicle movement to the nearest arterial street, the identification of truck movement
on collector and local streets, and the land uses along the routes, paying special attention to residential land uses, schools, churches, public parks and other places where the public may gather;

10) Such other information as the City staff, the Planning Commission or the City Council deems relevant and necessary.

c) **Report:** The report shall include a complete description of the following:

1) All materials intended to be excavated, quarried, mined or otherwise removed from the site;

2) The method of removal of these materials including the type of all equipment to be used;

3) The nature, type, use and hazards posed by any chemicals to be used or stored on the site or used in the excavation activity, processing or other activity on the site;

4) The nature, type, use and hazards posed by any toxic materials of any kind to be used or stored on the site or used in the excavation activity, processing or other activity on the site;

5) The phases (and associated timetable) for excavation of the site;

6) The method of removal and disposal of vegetation from the site, including the types of vegetation to be removed, plant communities to be removed or affected, and habitat loss;

7) The amount of overburden to be removed and total per phase;

8) The amount of mineral to be removed and total per phase;

9) The method of land alteration activity and sequence of progression, including phasing and progressive reclamation and site stabilization;

10) The proposed hours and days of operation on the site, including hauling and ancillary activities in addition to the excavation activity;

11) A dust control plan;

12) A noise control plan, including a map showing the decibel range at various distances from the site, in all directions from the site;

13) A stormwater runoff, erosion and sedimentation control plan pursuant to Sections 64.300 *et seq.;;

14) A drainage plan in accordance with Sections 61.550 *et seq.;;

15) A safety plan including, but not limited to, the location and type of all site security and safety features, including signs, gates and fences;

16) An emergency evacuation plan;

17) A lighting plan;
18) An emergency lighting plan;

19) The quantity of material anticipated to be removed per day;

20) The method of hauling the material to be removed, including the number and types of trucks to be used each day;

21) A traffic impact analysis in accordance with Sections 61.520 et seq., to the extent applicable;

22) A description of any effects of the excavation activity off site;

23) A maintenance schedule and plan for cleaning vehicles, equipment and adjacent off-site public roadways;

24) A description of the total anticipated duration (in months or years) of excavation activities on the site;

25) A description of the anticipated extent of use of City sewer, water, gas, electricity and other utilities on a monthly basis;

26) The proximity of the nearest police and fire stations to the site and insurance of access for emergency vehicles pursuant to Sections 63.530 et seq.

In all respects, the Operations Plan shall be consistent with, and fulfill all of the standards and requirements of the Operation/Performance Standards for Quarries, Section 62.1107(1); for Sand or Gravel Excavation, Section 62.1108(1); and for Substantial Land Alteration Activities, Section 62.1109(1).

5) **Reclamation Plan:** The Reclamation Plan shall be submitted at the time of submission of the conditional use permit application pursuant to Section 61.140 and shall include the following information in the form of a Final Site Plan and an attached Report. The scale of the overall Reclamation Plan should be consistent with that required generally for conditional use permits. However, if the Reclamation Plan also shows grading, then the required scale for Grading Plans should apply.

   a) Final Site Plan (Reclaimed Land)

   The final site plan shall clearly and effectively show the condition of the site after all excavation activities have been completed and after the Applicant has undertaken and completed full reclamation of the site in accordance with State statutes and regulations, and the standards, requirements and conditions set forth herein. If reclamation is proposed to be done in phases, a final post-reclamation site plan shall be submitted for the reclaimed portion of the site after the completion of each phase. The Final Site Plan shall include the following information: provided, however, that reclamation standards shall be consistent with all information and exhibits attached hereto including, but not limited to, consistency with the Engineering Standards adopted by the City Public Works Department in conjunction with the development of subdivisions.

   1) The area of the site reclaimed;

   2) Grading plan, including finished grades of all disturbed areas at 2 ft. interval contours. Where a water body is created, 2 ft. contours to the bottom of the water body;

   3) The proposed use of the reclaimed area of the site, including any structures proposed to be built on the site as part of, or subsequent to, reclamation;
4) The grade of the reclaimed area and of the entire site;

5) Public services which need to be provided to the proposed use of the reclaimed area, including the size of water and sewer lines, and the demand for other public facilities and services;

6) The compatibility of the proposed use with adjacent properties, with the existing zoning in the area and with the neighborhood as a whole;

7) The buffering or screening of the site after reclamation;

8) The elimination of haul roads, storage facilities and other site features no longer needed after the excavation activity has been completed;

9) A new access at a location to be approved by the Public Works Department and internal/external roadway system for the site, based on its proposed use after reclamation;

10) The demolition of any buildings on the site;

11) A vegetation plan for the site after reclamation;

12) The timetable for development of the site for the proposed use;

13) A noise assessment of the proposed use, at a level of detail to be determined by the City Engineer.

b) Report: The Report shall include the following:

1) Phasing and schedule of reclamation;

2) Methods and process of reclamation;

3) Erosion control plan;

4) Planting/re-vegetation plan including number and size of plants to be used and placement;

5) Maintenance and replacement plan for monitoring and ensuring survival of reclamation efforts;

6) Conformance with future roadways and ultimate land use as reflected in the City’s Comprehensive Plans for Land Use, Transportation, Stormwater Management (or adopted drainage or stormwater policies) and The Olmsted County Water Quality Plan;

7) Lighting and/or signage plan;

8) Schedule for the removal of stockpiles, unneeded signage or lighting, or erosion control devices when excavation or substantial land alteration activities are complete;

9) Where open water bodies are created:
   a) The normal depth of water bodies at 2 foot contour intervals;
   b) Cross section views of reclaimed area showing grading of shoreline, depth of lake, sub-surface lake shoreline grading, anticipated design normal pool elevation,
anticipated 2-year storm event lake level bounce elevation, depth of soil cover on reclaimed areas and floodplain elevations;

c) Maintenance plan.

10) Where surface alternatives are proposed, above the water table, method of stabilization of the disturbed areas;

11) A narrative report must be provided examining possible hydrogeologic effects on any existing or proposed bodies of surface water, wetlands and on groundwater, including public and private wells. The report shall also include a description of the controls needed to assure compliance with Federal, State and Local surface water quality, erosion controls, sediment control, stormwater management and other standards applicable to surface waters;

12) A description of any proposed uses to be conducted on the site;

13) A description of any proposed structures to be built on the site, including the size, scale, height, building footprint and location of such structures and a description including all other requirements necessary for Site Plan Approval and Building Permit Issuance.

62.1107 STANDARDS FOR QUARRIES

1) Operations/Performance Standards: The following minimum operation/performance standards shall apply to quarries unless otherwise specified:

a) Any topsoil removed from the surface and retained on the site shall be removed carefully and stockpiled in a manner to prevent erosion, for re-application to disturbed areas during reclamation.

b) Hours of operation for quarries shall be limited to the hours of 7 a.m. through 10 p.m. for operational activities including blasting, excavation, processing and hauling. Hours and days of operation may be restricted by the Council for operations within 1,000 feet of any residential uses or operations that rely on residential roadways for access.

c) To the extent possible, designated truck routes shall be used for all hauling as well as for all access to the site. All other routes and access shall be approved by the City Engineer prior to Conditional Use Permit approval.

d) Stormwater runoff, erosion and sedimentation shall be controlled by a plan submitted to the City by the Applicant and approved by the City Engineer, pursuant to Section 64.300 et seq. The Plan shall address the compatibility of the proposed use with the County Water Quality Plan and the City Stormwater Management Plan or adopted City drainage or stormwater policies applicable to the area.

e) The Applicant shall provide signs on the property and along haul routes where deemed necessary to promote the safety and general welfare of the neighborhood and general area. Required signs may include, but shall not be limited to, “No Trespassing,” “Trucks Hauling,” “Blasting,” “Danger,” etc. Other signs may be required if necessary.

f) Operations shall maintain compliance with local and state standards for noise, dust and vibration. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment on a regular basis.
as may be specified by the City Engineer. A water truck for the purposes of dust control may be required on site.

g) Adequate dust control methods shall be implemented. Roadways adjacent to the property shall be swept and cleaned on a regular basis and, in addition, when directed by the City Engineer as being necessary.

h) A performance bond or other financial security in an amount satisfactory to the City Engineer, and in a form approved by the City Attorney shall be secured from the Applicant to ensure that all standards are fully met during operation and to ensure that proper reclamation of the site is completed in a timely manner.

i) A 6' continuous security fence shall be provided around the entire perimeter of the property on which the quarrying activity will take place. Additional fencing requirements may be imposed on portions of the site abutting residentially zoned or planned areas, parks, playgrounds, sidewalks, trails, schools, churches and other public facilities and gathering places.

j) Required minimum distance of specific on-site activities from adjacent property zoned residential, commercial and industrial shall be as shown on the following table:

<table>
<thead>
<tr>
<th>Required minimum distance from adjacent property zoned:</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>excavation area with an elevation change of greater than 10 feet</td>
<td>500'</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>to vegetated stockpiles</td>
<td>500'</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>to any non-vegetated stockpiles or loading points</td>
<td>750'</td>
<td>200'</td>
<td>50'</td>
</tr>
<tr>
<td>to any crushing or processing</td>
<td>1000'</td>
<td>500'</td>
<td>100'</td>
</tr>
<tr>
<td>to any blasting - from a developed property</td>
<td>1000'</td>
<td>500'</td>
<td>400'</td>
</tr>
</tbody>
</table>

Provided, however, that if a 6’ vegetated berm is constructed meeting all applicable City standards to screen the activity, the required distance of specific on-site activities from adjacent property zoned residential, commercial and industrial shall be as shown on the following table:

<table>
<thead>
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<th>Required minimum distance from adjacent property zoned:</th>
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<td>to any blasting - from a developed property</td>
<td>1000’</td>
<td>500’</td>
<td>400’</td>
</tr>
</tbody>
</table>

If a sound barrier is constructed that is capable of reducing sound levels at the nearest residential lot line to a level meeting the performance standards of Section 63.650, the required distance from residential zones for crushing, processing, and blasting may be reduced to 500 feet.
k) Where a stockpile is visible from an arterial roadway or residential district, the height of a stockpile may be limited by the Council. In any case, the height of a stockpile may not exceed 50 feet for permanent stockpiles and 75 feet for temporary stockpiles.

l) Any lighting or signage, other than security signage, on the property shall meet the standards for the zoning district in which the activity is located.

m) A Blasting Plan shall be submitted to the City Fire, Public Works and Planning Departments with proof of insurance in an amount and form as approved by the City Attorney. Such activity shall be conducted only by licensed, insured individuals or entities and in conformance with all applicable federal, state and local regulations.

n) No quarry activity shall be conducted in such a manner as to permanently lower the water table of surrounding properties, except in quaternary deposits, nor shall such excavation activity cause the drainage of a Wetland without the applicant first obtaining an approved Wetland replacement plan.

o) A weight scale may be required to be located at the site and, if necessary, other restrictions may be imposed if roadways adjacent to the site and operations are not suitable for heavy truck traffic. A record of all truck load weights exiting the site must be maintained for no less than two (2) years as evidence of weight limit compliance and such records shall be available for inspection by the City Engineer.

p) Where applicable, no excavation shall occur within 100 feet of a protected water body, unless otherwise permitted by the MnDNR. Where excavation occurs on more than one side of a protected water body, a setback of 50' may be maintained on one side when a setback of 200' or more is maintained on the other, if approved by MnDNR and the City Engineer.

q) A traffic analysis may be required by the City Engineer to determine the impacts of the proposed activity on the traffic flows and service levels of area roadways and intersections in the vicinity of the site.

2) Reclamation Standards: The following minimum reclamation standards shall apply to quarries unless otherwise specified:

   a) Topsoil. Topsoil capable of sustaining vegetative growth shall be provided and evenly spread on all disturbed areas.

   b) Timing. Disturbed areas shall be stabilized and seeded at the earliest possible time or as specified, and any permits issued for the proposed use shall establish a schedule for stabilization and temporary and permanent seeding for the site. Seeding and planting shall occur during the appropriate seasons and times of year in accordance with published guidelines for this climate and region (MnDOT, DNR, SWCD guidelines).

   c) Drainage. Any alteration of the natural drainage system or public waters or jurisdictional Wetlands shall not adversely affect any other adjacent properties or public facilities.

   d) Erosion Control.

      1) Erosion control shall conform with the standards, criteria and requirements of Sections 64.300 et seq.

      2) Use of silt fences, bale checks, sediment basins, and other similar structures and methods that require ongoing maintenance will generally not be acceptable for long-term reclamation. The intent of final reclamation is to leave the site in a maintenance free and stable condition.
3) Seeding shall be done in accordance with NRCS technical standards.

4) Erosion control measures shall be kept in place until permanent vegetation has been established on site and erosion is controlled.

e) Revegetation. In addition to required seeding, the reclaimed site shall be landscaped. The applicant shall have the flexibility to arrange plant material to best suit the ultimate proposed use and design of the property, provided that:

1) At least 8 deciduous and 8 evergreen trees from the City's approved plant list, and consistent with the requirements of Section 63.150, are planted for each disturbed acre; and

2) At least 25 percent of required trees are planted within 30 feet of the perimeter of the site.

f) All equipment, stockpiles, debris, signs, silt fence and other erosion control structures shall be removed from the site after completion of the activity.

g) Adjacent roadways shall be swept and cleared of loose or foreign materials resulting from the reclamation operation.

h) A permanent 6’ security fence shall be provided along the perimeter of the entire site to protect adjacent residentially zoned or planned areas, parks, playgrounds, sidewalks, trails, schools, churches and other public facilities and gathering places.

i) Final reclamation of each phase of the operation shall be completed within six (6) months of completion of each phase of the operation. Extensions may be granted by the Zoning Administrator should the activity cease after September of any given year. No building permits shall be issued on the property prior to completion of reclamation of the site.

j) Slope:

1) No site shall exceed 3 feet horizontal to 1 foot vertical incline over a distance of 30 feet. This angle of repose shall be modified to a flatter angle, but not steeper angle, if it is shown that the site will be unstable at 3:1 ratio or that vegetation cannot be established on the 3:1 slope. This provision may be waived or modified by the Council upon the recommendation of the City Engineer.

2) For all locations where water bodies are created, the slope of the bottom of the lake from water’s edge shall not exceed 4:1 for a distance of 20’ from waters edge and shall not exceed a depth of 10 ft. beyond that point for a distance of 20 ft. The slope above the water’s edge shall not exceed 3:1 for a distance of 20 feet from the water’s edge.

k) Water Bodies - Shaping and Enhancement:

1) Where water bodies are created in commercial and residential zones, only freeform and natural form water bodies will be allowed. All water bodies shall include variation in shoreline and depth and shall include curvilinear shorelines.

2) Where practical, the minimum size of water bodies fed by groundwater and not connected to streams shall be five (5) acres, with a minimum average depth of 24-30 feet. Shallow water bodies may be considered where the Applicant can provide evidence that such water body will not result in poor water quality and that it will not result in a nuisance to the area.
i) Post-Reclamation Land Use:

1) If the owner proposes to construct structures on the site as part of the post-reclamation land use activities, all of such uses shall be specified.

2) The owner shall submit all necessary documentation for such proposed uses including, but not limited to, a Site Plan, an application for rezoning, an application for a building permit, or other required documentation necessary for approval of the proposed use on the reclaimed site.

3) Where a development is proposed as part of a post-reclamation plan, all applicable City permits and approvals will be required including, but not limited to, Site Capacity Calculation (§ 61.530), Driveway Permit (§§ 61.140 and 61.141) and others.

62.1108 STANDARDS FOR SAND AND GRAVEL EXCAVATION

1) Operation/Performance Standards: The following minimum operation/performance standards shall apply to Sand & Gravel Excavation activities unless otherwise specified:

   a) Any topsoil removed from the surface and retained on the site shall be removed carefully and stockpiled in a manner to prevent erosion, for re-application to disturbed areas during reclamation.

   b) Hours of operation shall be limited to the hours of 7 a.m. - 10 p.m. for operational activities including blasting, excavation, dredging, processing and hauling. Hours and days of operation may be restricted by the Council for operations within 1,000 feet of any residential areas or operations that rely on residential roadways for access.

   c) To the extent possible, designated truck routes shall be used for all hauling as well as for all access to the site. All other routes and access shall be approved by the City Engineer prior to conditional use permit approval. The Plan shall address the compatibility of the proposed use with the County Water Quality Plan and the City Stormwater Management Plan or adopted City drainage or stormwater policies applicable to the area.

   d) Stormwater runoff, erosion and sedimentation shall be controlled by a plan submitted to the City by the Applicant and approved by the City Engineer, pursuant to Section 64.300 et seq. The Plan shall address the compatibility of the proposed use with the County Water Quality Plan and the City Stormwater Management Plan or adopted City drainage or stormwater policies applicable to the area.

   e) The Applicant shall provide signs on the property and along haul routes where deemed necessary to promote the safety and general welfare of the neighborhood and general area. Required signs may include, but shall not be limited to, “No Trespassing,” “Danger - No Swimming,” and “Trucks Hauling.” Other signs may be required if necessary.

   f) Activities shall be phased to identify the sequence of operation. A new phase shall not begin until at least 50% of an active/current phase is reclaimed as per the reclamation plan, and the City has verified the completion of the reclamation of the phase to the extent that it can be reclaimed.

   g) Operations shall maintain compliance with local and state standards for noise, dust and vibration. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment on a regular basis as may be
specified by the City Engineer. A water truck for the purpose of dust control may be required on-site.

h) Adequate dust control methods shall be implemented. Roadways adjacent to the property shall be swept and cleaned on a regular basis and, in addition, when directed by the City Engineer as being necessary.

i) A performance bond or other financial security in an amount satisfactory to the City Engineer and in a form approved by the City Attorney shall be secured from the Applicant to ensure that all applicable standards are fully met during operation and to ensure that proper reclamation of the site is completed in a timely manner.

j) A 6’ continuous security fence shall be provided around the entire perimeter of the property on which the sand or gravel excavation activity will take place. Additional fencing requirements may be imposed on portions of the site abutting residentially zoned or planned areas, parks, playgrounds, sidewalks, trails, schools, churches and other public facilities and gathering places.

k) Required minimum distance of specific on-site activities from adjacent property zoned residential, commercial and industrial, when the proposed activity will exceed 24 months:

<table>
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<tr>
<th>Required minimum distance from adjacent property zoned:</th>
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<th>Commercial</th>
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<tr>
<td>Excavation area with an elevation change of greater than 10 feet</td>
<td>500’</td>
<td>100’</td>
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<tr>
<td>to vegetated stockpiles</td>
<td>500’</td>
<td>100’</td>
<td>50’</td>
</tr>
<tr>
<td>to any non-vegetated stockpiles or loading points</td>
<td>750’</td>
<td>200’</td>
<td>50’</td>
</tr>
<tr>
<td>to any processing – from a developed property</td>
<td>1000’</td>
<td>500’</td>
<td>100’</td>
</tr>
</tbody>
</table>

Provided, however, that if a 6’ vegetated berm is constructed to screen the activity, which meets all applicable City standards and is approved by the City Engineer, the required minimum distance of specific on-site activities from adjacent property zoned residential, commercial and industrial, when the proposed activity will exceed 24 months shall be as follows:

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If a sound barrier is constructed that is capable of reducing sound levels at the nearest residential lot line to a level meeting the performance standards of Section 63.650, the required distance from residential zones for crushing, processing, and blasting may be reduced to 500 feet.
Required minimum distance of specific on-site activities from adjacent property zoned residential, commercial and industrial, when the proposed activity will not exceed 24 months:

<table>
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<tr>
<td>excavation area with an elevation change of greater than 10 feet</td>
<td>200’</td>
<td>50’</td>
<td>50’</td>
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<tr>
<td>to vegetated stockpiles</td>
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<td>400’</td>
<td>100’</td>
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</tr>
<tr>
<td>to any processing – from a developed property</td>
<td>750’</td>
<td>250’</td>
<td>100’</td>
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Provided, however, that if a 6’ vegetated berm is constructed to screen the activity, which meets all applicable City standards and is approved by the City Engineer, the required minimum distance of specific on-site activities from adjacent property zoned residential, commercial and industrial, when the proposed activity will not exceed 24 months shall be as follows:

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<tbody>
<tr>
<td>excavation area with an elevation change of greater than 10 feet</td>
<td>100’</td>
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<td>to any processing – from a developed property</td>
<td>750’</td>
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</table>

If a sound barrier is constructed that is capable of reducing sound levels at the nearest residential lot line to a level meeting the performance standards of Section 63.650, the required distance from residential zones for crushing, processing, and blasting may be reduced to 300 feet.

m) Where a stockpile is visible from an arterial roadway or residential district, the height of a stockpile may be limited by the Council. In any case, the height of a stockpile may not exceed 50 feet for permanent stockpiles and 75 feet for temporary stockpiles in a non-residential district.

n) Any lighting or signage, other than security signage, on the property shall meet the standards for the zoning district in which the activity is located.

o) No excavation operation shall be conducted in such a manner as to permanently lower the water table of surrounding properties, except in quaternary deposits, nor shall such excavation activity cause the drainage of a Wetland without the applicant first obtaining an approved Wetland replacement plan.

p) A weight scale may be required to be located at the site and, if necessary, other restrictions may be imposed if roadways adjacent to the site and operations are not suitable for heavy truck traffic. A record of all truck load weights exiting the site must be maintained for no less than two (2) years as evidence of weight limit compliance and such records shall be available for inspection by the City Engineer or the agents of other applicable road authorities.
q) Where applicable, no excavation shall occur within 100 feet of a protected water body unless otherwise permitted by the MnDNR. Where excavation occurs on more than one side of a protected water body, a setback or 50’ may be maintained on one side when a setback of 200’ or more is maintained on the other, if approved by the MnDNR and the City Engineer.

r) A traffic analysis may be required by the City Engineer to determine the impacts of the proposed activity on the traffic flows and service levels of area roadways and intersections in the vicinity of the site.

2) **Reclamation Standards:**

The following minimum reclamation standards shall apply to sand or gravel excavation activities unless otherwise specified. However, the reclamation standards must be consistent with all the Grading Plan Checklist specified by the Public Works Department.

a) **Topsoil.** Topsoil capable of sustaining vegetative growth shall be provided and evenly spread on all disturbed areas.

b) **Timing.** Disturbed areas shall be stabilized and seeded at the earliest possible time or, as specified, and any permits issued for the proposed use shall establish a schedule for stabilization and temporary and permanent seeding for the site. Progressive reclamation practices shall be utilized to continue to reclaim and stabilize disturbed areas prior to moving to a new phase. Seeding and planting shall occur during the appropriate seasons and times of year in accordance with published guidelines for this climate and region (MnDOT, DNR, SWCD guidelines).

c) **Drainage.** Any alteration of the natural drainage system or public waters or jurisdictional Wetlands shall not adversely affect any other adjacent properties or public facilities.

d) **Slope.**

1) No site shall exceed 3 feet horizontal to 1 foot vertical incline over a distance of 30 feet. This angle of repose shall be modified to a flatter angle, but not steeper angle, if it is shown that the site will be unstable at 3:1 ratio or that vegetation cannot be established on the 3:1 slope. This provision may be waived or modified by the Council upon the recommendation of the City Engineer.

2) For all locations where water bodies are created, the slope of the bottom of the lake from water’s edge shall not exceed 4:1 for a distance of 20’ from waters edge and shall not exceed a depth of 10 ft. beyond that point for a distance of 20 ft. The slope above the water’s edge shall not exceed 3:1 for a distance of 20 feet from the water’s edge.

e) **Water Bodies - Shaping and Enhancement.**

1) Where water bodies are created in commercial and residential zones, only freeform and natural form water bodies will be allowed. All water bodies shall include variation in shoreline and depth and shall include curvilinear shorelines.

2) Where practical, the minimum size of water bodies fed by groundwater and not connected to streams shall be five (5) acres, with a minimum average depth of 24-30 feet. Shallow water bodies may be considered where the Applicant can provide evidence that such water body will not result in poor water quality and that it will not result in a nuisance to the area.
f) Erosion Control.

1) Use of silt fences, bale checks, sediment basins, and other similar structures and methods which require ongoing maintenance will generally not be acceptable for long-term reclamation. The intent of final reclamation is to leave the site in a maintenance free and stable condition.

2) Seeding shall be done in accordance with NRCS technical standards.

3) All exposed area shall be seeded and stabilized with an appropriate seeding mixture so as to prevent erosion. Sodding or other erosion control methods or materials approved by the City Engineer may be required for highly erodible areas or in areas where seed growth cannot be established in a reasonable time period.

4) All equipment, stockpiles, debris, signs, silt fence and other erosion control structures shall be removed from the site after completion of the activity.

5) Adjacent roadways shall be swept and cleared of loose or foreign materials resulting from the reclamation operation.

6) Erosion control measures shall be kept in place until permanent vegetation has been established on site and erosion is controlled.

g) Revegetation. In addition to required seeding, the reclaimed site shall be landscaped. The applicant shall have the flexibility to arrange plant material to best suit the ultimate proposed use and design of the property, provided that:

1) At least 8 deciduous and 8 evergreen trees from the City’s approved plant list, and consistent with the requirements of Section 63.150, are planted for each disturbed acre; and

2) At least 25 percent of required trees are planted within 30 feet of the perimeter of the site.

h) Final reclamation of each phase of the operation shall be completed within six (6) months of completion of each phase of the operation. Extensions may be granted by the Zoning Administrator should the activity cease after September of any given year. No building permits shall be issued on the property prior to completion of reclamation of the site.

i) Post-Reclamation Land Use

1) If the owner proposes to construct structures on the site as part of the post-reclamation land use activities, all of such uses shall be specified.

2) The owner shall submit all necessary documentation for such proposed uses including, but not limited to, a Site Plan, an application for rezoning, an application for a building permit, or other required documentation necessary for approval of the proposed use on the reclaimed site.

3) Where a development is proposed as part of a post-reclamation plan, all applicable City permits and approvals will be required including, but not limited to, Site Capacity Calculation (§ 61.530), Driveway Permit (§§ 61.140 and 61.141) and others.
STANDARDS FOR SUBSTANTIAL LAND ALTERATION ACTIVITIES

1) Operations/Performance Standards: The following minimum operation/performance standards shall apply to all other substantial land alteration activities unless otherwise specified:

a) Any topsoil removed from the surface and retained on the site shall be removed carefully and stockpiled in a manner to prevent erosion, for re-application to disturbed areas during reclamation.

b) Hours of operation shall be limited to the hours of 7 a.m. - 10 p.m. for operational activities including blasting, dredging, excavation, processing and hauling. Hours and days of operation may be restricted by the Council for operations within 1,000 feet of any residential areas or operations that rely on residential roadways for access.

c) To the extent possible, designated truck routes shall be used for all hauling as well as for all access to the site. All other routes and access shall be approved by the City Engineer.

d) Stormwater runoff, erosion and sedimentation shall be controlled by a plan submitted to the City by the Applicant and approved by the City Engineer pursuant to Section 64.300 et seq. The Plan shall address the compatibility of the proposed use with the County Water Quality Plan and the City Stormwater Management Plan or adopted City drainage or stormwater policies applicable to the area.

e) The Applicant shall provide signs on the property and along haul routes where deemed necessary to promote the safety and general welfare of the neighborhood and general area. Required signs may include, but shall not be limited to, “No Trespassing,” “Trucks Hauling,” “Danger,” “Blasting” and others. Other signs may be required if necessary.

f) Activities shall be phased to identify the sequence of operation. A new phase shall not begin until at least 50% of an active/current phase is reclaimed as per the reclamation plan and the City has verified the completion of the reclamation of the phase to the extent that it can be reclaimed.

g) Operations shall maintain compliance with local and state standards for noise, dust and vibration. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment on a regular basis and as may be specified by the City Engineer. A water truck for the purposes of dust control may be required on-site.

h) Adequate dust control methods shall be implemented. Roadways adjacent to the property shall be swept and cleaned on a regular basis and, in addition, when directed by the City Engineer as being necessary.

i) A performance bond or other financial security in an amount satisfactory to the City Engineer and in a form approved by the City Attorney shall be secured from the Applicant to ensure that all applicable standards are fully met during operation and to ensure proper reclamation of the site is completed in a timely manner.

j) A 6’ continuous security fence shall be provided around the entire perimeter of the property on which the substantial land alteration activity will take place. Additional fencing requirements may be imposed on portions of the site abutting residentially
zoned or planned areas, parks, playgrounds, sidewalks, trails, schools, churches and other public facilities and gathering places.

k) Required minimum distance of specific on-site activities from adjacent property zoned residential, commercial and industrial, when the proposed activity **will exceed 24 months**.

<table>
<thead>
<tr>
<th>Required minimum distance from adjacent property zoned:</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavation area with an elevation change of greater than 10 feet</td>
<td>500'</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>to vegetated stockpiles</td>
<td>500'</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>to any non-vegetated stockpiles or loading points</td>
<td>750'</td>
<td>200'</td>
<td>50'</td>
</tr>
<tr>
<td>to any processing</td>
<td>1000'</td>
<td>500'</td>
<td>100'</td>
</tr>
<tr>
<td>to any blasting - from a developed property</td>
<td>1000'</td>
<td>500'</td>
<td>400'</td>
</tr>
</tbody>
</table>

Provided, however, that if a 6' vegetated berm is constructed to screen the activity, which meets all applicable City standards and is approved by the City Engineer, the required minimum distance of specific on-site activities from adjacent property zoned residential, commercial and industrial when the proposed activity **will exceed 24 months** shall be as follows:

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<tr>
<td>excavation area with an elevation change of greater than 10 feet</td>
<td>250'</td>
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If a sound barrier is constructed that is capable of reducing sound levels at the nearest residential lot line to a level meeting the performance standards of Section 63.650, the required distance from residential zones for crushing, processing, and blasting may be reduced to 500 feet.

l) Required minimum distance of specific on-site activities from adjacent property zoned residential, commercial and industrial, when the proposed activity **will not exceed 24 months**:
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Provided, however, that if a 6’ vegetated berm is constructed to screen the activity, which meets all applicable City standards, the required minimum distance of specific on-site activities from adjacent property zoned residential, commercial and industrial when the proposed activity will not exceed 24 months shall be as follows:

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If a sound barrier is constructed that is capable of reducing sound levels at the nearest residential lot line to a level meeting the performance standards of Section 63.650, the required distance from residential zones for crushing, processing, and blasting may be reduced to 500 feet.

m) Where a stockpile is visible from an arterial roadway or residential district, the height of a stockpile may be limited by the Council. In any case, the height of a stockpile may not exceed 50 feet for permanent stockpiles and 75 feet for temporary stockpiles in a non-residential district.

n) Any lighting or signage, other than security signage, on the property shall meet the standards for the zoning district in which the activity is located.

o) A Blasting Plan shall be submitted to the City Fire, Public Works and Planning Departments with proof of insurance in an amount as approved by the City Engineer and in a form as approved by the City Attorney. Such activity shall be conducted only by licensed, insured individuals or entities and in conformance with all applicable federal, state and local regulations.

p) No excavation operation shall be conducted in such a manner as to permanently lower the water table of surrounding properties, except in quaternary deposits, nor shall such excavation activity cause the drainage of a Wetland without the applicant first obtaining an approved Wetland replacement plan.
q) A weight scale may be required to be located at the site, and, if necessary, other restrictions may be imposed if roadways adjacent to the operations are not suitable for heavy truck traffic. A record of all truck load weights exiting the site must be maintained for no less than two (2) years as evidence of weight limit compliance and such records shall be available for inspection by the City Engineer.

r) Where applicable, no excavation shall occur within 100 feet of a protected water body unless otherwise permitted by the MnDNR. Where excavation occurs on more than one side of a protected water body, a setback of 50’ may be maintained on one side when a setback of 200’ or more is maintained on the other, if approved by MnDNR and the City Engineer.

s) A traffic analysis may be required by the City Engineer to determine the impacts of the truck traffic generated by the land alteration activity on the traffic safety and service levels of area roads and intersections in the vicinity of the site.

2) **Reclamation Standards:** The following minimum reclamation standards shall apply to substantial land alteration activities unless otherwise provided. However, the reclamation standards shall be consistent with the Grading Plan Checklist specified by the Public Works Department.

a) **Topsoil.** Topsoil capable of sustaining vegetative growth shall be provided and evenly spread on all disturbed areas.

b) **Timing.** Disturbed areas shall be stabilized and seeded at the earliest possible time or, as specified, and any permits issued for the proposed use shall establish a schedule for stabilization and temporary and permanent seeding for the site. Progressive reclamation practices shall be utilized to continue to reclaim and stabilize disturbed areas prior to moving to a new phase. Seeding and planting shall occur during the appropriate seasons and times of year in accordance with published guidelines for this climate and region (MnDOT, DNR, SWCD guidelines).

c) **Drainage.** Any alteration of the natural drainage system or public waters or jurisdictional Wetlands shall not adversely affect any other adjacent properties or public facilities.

d) **Slope.**

1) No site shall exceed 3 feet horizontal to 1 foot vertical incline over a distance of 30 feet. The angle of repose shall be modified to a flatter angle, but not steeper angle, if it is shown that the site will be unstable at 3:1 ratio or that vegetation cannot be established on the 3:1 slope. This provision may be waived or modified by the Council upon the recommendation of the City Engineer.

2) For all locations where water bodies are created, the slope of the bottom of the lake from water’s edge shall not exceed 4:1 for a distance of 20’ from waters edge and shall not exceed a depth of 10 ft. beyond that point for a distance of 20 ft. The slope above the water’s edge shall not exceed 3:1 for a distance of 20 feet from the water’s edge.

e) **Water Bodies - Shaping and Enhancement.**

1) Where water bodies are created, only freeform and natural form lakes will be allowed. in commercial and residential zones. All water bodies shall include variation of shoreline and depth and shall include curvilinear shorelines.
2) Where practical, the minimum size of water bodies fed by groundwater and not connected to streams shall be 5 acres, with a minimum average depth of 24 feet. Shallow water bodies may be considered where the Applicant can provide evidence that such water body will not result in poor water quality and that it will not result in a nuisance to the area.

f) Erosion Control.

1) Use of silt fences, bale checks, sediment basins, and other similar structures and methods that require ongoing maintenance will generally not be accepted for long-term reclamation. The intent of final reclamation is to leave the site in a maintenance-free and stable condition.

2) Seeding shall be done in accordance with NRCS technical standards.

3) All exposed areas shall be seeded and stabilized with an appropriate seeding mixture so as to prevent erosion. Sodding or other erosion control methods or materials approved by the City Engineer may be required for highly erodible areas or in areas where seed growth cannot be established in a reasonable time period.

4) All equipment, stockpiles, debris, signs, silt fence and other erosion control structures shall be removed from the site after completion of the activity.

5) Adjacent roadways shall be swept and cleared of loose or foreign materials resulting from the reclamation operations.

6) Erosion control measures shall be kept in place until permanent vegetation has been established on site and erosion is controlled.

g) Revegetation. In addition to required seeding, the reclaimed site shall be landscaped. The applicant shall have the flexibility to arrange plant material to best suit the ultimate proposed use and design of the property, provided that:

1) At least 8 deciduous and 8 evergreen trees from the City’s approved plant list, and consistent with the requirements of Section 63.150, are planted for each disturbed acre; and

2) At least 25 percent of required trees are planted within 30 feet of the perimeter of the site.

h) Final reclamation of each phase of the operation shall be completed within six (6) months of completion of each phase of the operation. Extensions may be granted by the Zoning Administrator should the activity cease after September of any given year. No building permits shall be issued on the property prior to completion of reclamation of the site.

i) Post-Reclamation Land Use

1) If the owner proposes to construct structures on the site as part of the post-reclamation land use activities, all of such uses shall be specified.

2) The owner shall submit all necessary documentation for such proposed uses, including but not limited to a Site Plan, an application for rezoning, an application for a building permit, or other required documentation necessary for approval of the proposed use on the reclaimed site.
3) If an exposed bedrock slope steeper than 3:1 is proposed post-reclamation in a Residential District, the Council may waive the otherwise applicable height and steepness standards (i) if the slope will be screened by a structure, permitted pursuant to subsections (a) and (b) above, (ii) if safety features will be incorporated into the site to minimize risk and (iii) if sufficient financial assurances are provided by the owner/developer in an amount as determined by the City Engineer, and in a form approved by the City Attorney and the Finance Director, and provided to the City concurrently with the required Reclamation Plan.

4) Financial assurances shall be in the form of surety bonds, irrevocable letters of credit or cash bonds. Other alternatives providing adequate assurances may be considered by the City Attorney and Finance Director and, if approved, may be recommended to the City Council.

62.1110 PERMITS:

1) Permits Required to be Obtained

   a) A grading permit pursuant to all requirements of the Land Development Manual, Section 61.150 et seq.

   b) A land subdivision permit, when applicable, pursuant to all requirements of the Land Development Manual, Section 61.220 et seq.

   c) A final plat, when applicable, pursuant to all requirements of the Land Development Manual, Section 61.230 et seq.

   d) A site planning permit pursuant to all requirements of the Land Development Manual, Section 61.300 et seq.; provided, however, that the site planning permit may be reviewed concurrently with a required conditional use permit, pursuant to the Land Development Manual, Section 61.140 et seq.

   e) Conditional Use Permit pursuant to all requirements of the Land Development Manual, Section 61.140 et seq., for a Type III use, Type III Review Procedure, pursuant to Section 60.530 et seq. of the Land Development Manual.

   f) Building Permit, where necessary, pursuant to Chapter 50 of the Rochester Code of Ordinances.

   g) A proposed “excavation activity,” as herein defined, shall be subject to appropriate Environmental Review pursuant to Section 61.540 and, where determined to be necessary, Environmental Review Program documents shall be prepared by the Applicant. These may include, inter alia, Environmental Assessment worksheets and Environmental Impact Statements. These documents shall be reviewed prior to final local action by the City on any development related permit needed for the proposed excavation activity.

   h) A driveway permit.

2) Effect of Permit Approval

   a) The original permit shall not be approved for more than nine (9) years. Extension of a permit may be considered in accordance with subsection G, Extension of Permit, below.
b) Approvals of activities shall be valid for the length of time specified in the approval so long as all standards of the Ordinance and all conditions of approval are fully complied with.

c) Any permit extension pursuant to subsection G, below, shall be required to conform to regulations and codes adopted by the Local, State and Federal Government, which may be applicable at the time of the application for the permit extension.

d) The Applicant is responsible to ensure that all persons using the site, whether operators, lessors or others, comply with the standards of the Ordinance and all conditions of approval.

3) Permit Revocation or Suspension

a) Any permit issued by the City pursuant to the provisions of this chapter may be suspended or revoked upon a finding that the permittee has failed or is failing to comply with any applicable statute, rule or ordinance relating to the “excavation activity” or “substantial land alteration activity” or to any provision, standard or requirement of any permit or approval issued by the City to allow the “excavation activity” to occur.

b) The Zoning Administrator, in consultation with the City Engineer shall make an initial determination as to whether there is a sufficient basis for the suspension or revocation of a permit. Upon such a determination, the Zoning Administrator shall prepare and issue a Notice of Default which shall be duly served by certified mail, return receipt requested, upon the permittee. Notification of such default shall also be given to the appropriate City officials. Upon receipt of the Notice of Default, the aggrieved permittee shall have ten (10) days to appeal the Zoning Administrator of City Engineer’s decision to the City Council by filing said appeal with the City Clerk within ten (10) days following receipt of the Zoning Administrator’s determination of suspension or revocation.

c) Upon receipt of an appeal, the Council shall make a preliminary inquiry into the matter to determine whether there is cause to proceed to a public hearing. Whenever it appears to the Council that adequate grounds may exist for the suspension or revocation of a permit, the Council shall by resolution specify the nature of the basis for the suspension or revocation and order that a hearing on the matter occur at the Council’s next regularly-scheduled meeting.

d) No suspension or revocation appealed to the Council shall be effective until the permittee has been afforded an opportunity for a hearing pursuant to sections 14.57 to 14.70 of the Minnesota Administrative Procedure Act.

e) Upon a finding that the permittee has violated any applicable statute, rule or ordinance, the Council may either:

1) suspend the permit for up to 60 days for each violation; or

2) revoke the permit; and/or

3) issue a “Stop Work Order.”

4) Project Site Expansion or Modification

a) Changes to the conditional use permit for the “excavation activity” on the site shall be applied for and reviewed in accordance with Section 61.148.
b) Changes other than changes to the phasing plan and those expressly specified in section 61.148 shall be reviewed and approved in accordance with the process by which the original conditional use permit was approved, i.e., Section 61.140 et seq. for a Type III use and the Phase II Review Procedure pursuant to Section 61.530 et seq. Changes to the phasing plan shall be processed as a Type II review procedure pursuant to Section 60.520.

c) An expansion of the site on which an “excavation activity” has previously been approved will require a complete review of the proposed new (expanded) site, as if an original application was being made, as well as a review of the relationship and coordination of activities between the original site and the expanded portion of the site. Of principal concern during this review shall be the additional and cumulative impacts that will be caused by the combined operations on environmental factors, traffic, safety, noise, air pollution, neighborhoods, adjacent land uses, etc.

d) Contraction of the site on which the “excavation activity” has been approved will require a review in order to (a) understand how the loss of a portion of the site will affect buffers, land use compatibility, noise, reclamation and reuse of the site and related factors, and (b) determine what will be done on the excised portion of the site. For example, if another land use is proposed, a complete, original review may be required.

5) Transfer of Permits

a) No transfer of a conditional use permit by the original Applicant to another party nor a transfer of any other permit or approval issued by the City which was necessary to authorize or allow the “excavation activity” shall be permitted unless the City is notified not less than ninety (90) days prior to such transfer and has an opportunity to assure (a) that all conditions, standards and requirements imposed on the original Applicant will continue to be met, and (b) that all security instruments remain in full effect, and, if also transferred, that the new permit holder agrees to comply in full and has the necessary financial security to hold the City harmless.

b) If the subject property is sold, the permits and all of the conditions, standards and requirements run with the land, and the new property owner is fully bound as if he were the original owner.

c) When an operator succeeds to the interest of another on an uncompleted site, the Zoning Administrator shall release the first operator of the responsibilities imposed by the permit only if:

1) Both operators are in full compliance with the requirements and standards of this Ordinance and all permits and approvals;

2) The new operator assumes all responsibilities of the former operator including operations, maintenance and reclamation and provides a written, witnessed, notarized document asserting, inter alia, that reclamation of the entire site will be completed as planned; and

3) The new operator provides the City with all appropriate financial assurances, approved by the City Attorney, to ensure completion of the project.
6) **Extension of Permit**

a) Requests for permit extensions must be submitted in writing to the Planning Department at least three (3) months prior to the expiration date of the existing permit. Extension of a permit shall be a Type III, Phase I process with the City Council as the designated hearing body.

b) The City Council may grant a permit extension for not more than one-half the duration of the original permit approval.

c) No permit extension shall be granted unless the project is in full compliance with the terms of the existing permit or a compliance plan and schedule has been submitted and approved by the City Council. If there have been any Notices of Default issued by the City, these shall be reviewed and may be taken into consideration by the City on the extension request.

d) Permit extension may include the addition of conditions to address conflicts with adjacent properties or other circumstances unforeseen at the time of original permit approval.

e) The extension of the permit shall not be unreasonably denied, provided that the permittee has complied with all of the conditions of the permit and the standards and requirements for “excavation activities” and has not been issued a Notice of Default nor cited for a violation of the City Code or state or federal regulations.

62.1111 **FINANCIAL ASSURANCES**

1) Financial assurances shall be required in an amount as determined by the City Engineer, but in no event to be less than $10,000, and in a form approved by the City Attorney and the Finance Director, prior to commencement of any Substantial Land Alteration, Quarry or Sand or Gravel Excavation activity.

2) Financial assurances may be in the form of Surety Bonds, irrevocable Letters of Credit or Cash Bonds. Other alternatives providing adequate assurance may be considered by the City Attorney and Finance Director and, if approved by them, may be recommended to the City Council.

3) Failure to stabilize the site, to make necessary corrections and improvements to roadways caused by the excavation activity, failure to reclaim the property as specified in the approved reclamation plan and other inconsistencies between the approved Operations and Reclamation Plans and actual activities shall, at the discretion of the City, be cause for the City to redeem the financial assurance to make the necessary corrections.

62.1112 **ANNUAL INSPECTION REPORT AND MONITORING GUIDELINES**

1) **Annual Inspection and Report**

a) At the discretion of the Zoning Administrator, not less frequently than once per year, the appropriate City officials may undertake and conduct a detailed inspection of the site, using the Required Plans and Information, the appropriate Standards for the Activity, the Permits Approved, with or without conditions and other relevant information and commitments as the compliance checklist.

b) Based on the annual inspection and the compliance checklist, the City may identify any and all violations of the terms and conditions of the plans and permit approvals.
c) In addition to the annual inspection, the City may make “spot” inspections at any time during the year, and multiple times as may be deemed appropriate utilizing the compliance checklist, and shall report such findings to the appropriate City officials.

d) City staff may prepare a “Project Compliance Sheet” for each Quarry, Sand or Gravel Excavation and Substantial Land Alteration Activity as defined herein and may compile the individual Project Compliance Sheets into an Annual Report for presentation to the City Administrator.

2) Monitoring

a) At the discretion of the Zoning Administrator, the City may, in addition to site inspections, monitor the issuance of permits for the above-described “excavation activities” on a broader level, considering such issues as: the concentration of such activities and the effect of such concentration on particular neighborhoods and areas of the City; the effect of such activities on the transportation system and the provision of other required public facilities and services; the effect of numerous “excavation activities” on air and water quality and the environment; the effect of such activities on the land values of adjacent and nearby properties; the extra expenses incurred by the City relative to the operation and/or reclamation of such activities; the actual usability of the sites after reclamation; the average duration of “excavation activities”; the average time it takes to fully reclaim a site and make it available for an alternative use; etc.

b) Based on the information collected, the Zoning Administrator may prepare an annual Monitoring Report for review by the City Administrator and, at the City Administrator’s discretion, by the Planning and Zoning Commission and/or the City Council.

62.1200 INDOOR GUN RANGE CONDITIONAL USE PERMIT

62.1201 Applicability

Subdivision 1. This section applies to certain specific, intensive land use activities that have unique impacts on both on- and off-site, which require special regulations and approval processes to ensure their short- and long-term compatibility with adjacent properties and neighborhoods. This section applies to Indoor Gun Ranges.

Subd. 2. An Indoor Gun Range shall only be permitted in the following zoning districts pursuant to the Type III, Phase II conditional use permit process and standards, and the applicable site location criteria, exterior storage regulations, and reclamation standards:

A. B-4 General Commercial
B. M-1 Mixed Commercial - Industrial
C. M-2 Industrial

Subd. 3. The City invokes the authority provided to it by Minn. Stat. §87A.08, subd. 1(a) in adopting the ordinances found in chapter 62.1200.

62.1202 Procedures:

1) Conditional Use Permit Required

An Indoor Gun Range shall be considered a “conditional use” in any of the zoning districts in which it listed. A request for the issuance of an Indoor Gun Range Conditional Use Permit shall be processed pursuant to the Type III, Phase II hearing process as set forth in section 61.140, et seq.
62.1203 Performance Criteria for Indoor Gun Range:

Subdivision 1. The City shall approve a conditional use permit authorizing an Indoor Gun Range only if all of the criteria found in section 61.146 and subdivision 2 of this section are satisfied.

Subd. 2. The criteria for approval of the conditional use permit are as follows:

A. An Indoor Gun Range shall not sell or dispense an Alcoholic Beverage, nor shall they be located in a building which contains a business that sells or dispenses an Alcoholic Beverage. An Alcoholic Beverage shall not be sold, stored, or consumed on the premises of the Indoor Gun Range at any time.

B. The building and method of operation shall comply with Minn. Stat. ch. 87A.

C. Applicant has provided documentation that the Indoor Gun Range will conform to the noise standards provided in Minn. Stat. ch. 87A and MN Rules 7030.

D. The design and construction of the Indoor Gun Range shall completely confine all ammunition rounds within the building and in a controlled manner. The design and construction of the Indoor Gun Range shall be performed by a professional engineer registered in the State of Minnesota. The certified plans shall include the specifications and construction of the bullet traps, ceilings, and exterior and interior walls and floors.

E. No ammunition shall be used in the Indoor Gun Range that exceeds the certified design and construction specifications of the Gun Range.

F. Each Gun Range shall have a clear and concise safety plan. A copy of the safety plan shall be filed with the application for a conditional use permit.

G. The applicant shall provide and maintain proof of liability insurance which shall require the insurer to notify the Zoning Administrator in writing of a cancellation of the policy, a change in the limit of the policy, and/or a change in policy ownership. The policy shall be executed and provided to the Zoning Administrator prior to the issuance of the certificate of occupancy and shall be available for inspection by the Zoning Administrator and/or the Administrator's assigns at all times.

H. An outside security plan for the general grounds shall be submitted to the City for review and approval as part of the application for a conditional use permit.

I. Signs shall be posted in the entry of the structure and within the Gun Range space specifying that minors shall be accompanied by an adult at all times. This includes firearm safety classes which must be supervised by an adult instructor.

J. Applicant has acknowledged that it will operate and manage the Indoor Gun Range in conformance with all federal, state, and local laws and regulations related to the use, sale, rental, and transportation of Firearms.

K. Application shall provide documentation that all Backstop and Bullet Traps shall be made of steel that conforms to the NRA Range Source Book: A Guide to Planning and Construction. Article 3, Section 3, Table 1 Examples of Acceptable Ammunition, Muzzle Velocities and Minimum Steel Plat thickness for Metal Backstops, Deflector Plates (Baffles), and Bullet Traps.

62.1204 Required Plans and Information:
Subdivision 1. An application for a conditional use permit for an Indoor Gun Range shall include the following information, in addition to that required by section 61.140, in proper written and/or graphic form.

A. Site/Grading Plan

B. Building Plans and Elevations

C. Safety Plan

D. Outside Security Plan


F. Other plans and/or information, as may be reasonably requested by City staff to verify compliance with this chapter or unique conditions that apply to the site

62.1205 Required Certificate of Occupancy Documentation:

Prior to occupying the building, requesting a temporary certificate of occupancy or a final certificate of occupancy the applicant shall provide the following:

A. A certified inspection from the engineer that demonstrates compliance with the conformance criteria for an Indoor Gun Range identified in the Land Development Manual Section 62.1203 relating to:
   i. Building construction
   ii. Containment design and construction
   iii. Caliber of Firearms for which Indoor Gun Range is certified
   iv. Noise requirements

B. Executed proof insurance