

<b>CHAPTER 63</b> .....	<b>367</b>
63.100 YARDS, SETBACKS AND OPEN SPACE REQUIREMENTS.....	367
63.110 APPLICATION OF YARD AND SETBACK REQUIREMENTS .....	367
63.120 YARD USAGE REGULATIONS.....	369
63.130 LANDSCAPE AREA .....	371
63.140 USABLE RECREATION AREA.....	374
63.150 REQUIRED PLANTINGS.....	376
63.200 APPEARANCE CONTROLS.....	378
63.210 EXTERIOR LIGHTING STANDARDS.....	378
63.220 SIGN REGULATIONS .....	380
63.230 LANDSCAPE AREA REDUCTION .....	397
63.240 EXTERIOR STORAGE STANDARDS .....	399
63.250 SITE LOCATION STANDARDS.....	400
63.260 BUFFERYARD REGULATIONS .....	402
63.270 PEDESTRIAN AND SITE DESIGN STANDARDS .....	413
63.300 MULTIPLE BUILDINGS ON A LOT.....	418
63.310 RESIDENTIAL DEVELOPMENTS .....	418
63.400 OFF-STREET PARKING AND LOADING REGULATIONS.....	418
63.410 GENERAL REQUIREMENTS .....	419
63.420 AMOUNT OF OFF-STREET PARKING .....	420
63.430 LOCATION OF OFF-STREET PARKING .....	451
63.440 SPECIAL LOCATIONAL PROVISIONS .....	452
63.450 PARKING FACILITY DESIGN PARAMETERS .....	453
63.460 OFF-STREET LOADING .....	461
63.470 COORDINATED PARKING AND LOADING MANAGEMENT PLAN.....	462
63.500 TRAFFIC VISIBILITY STANDARDS .....	464
63.520 STANDARDS .....	467
63.530 ACCESS FOR EMERGENCY VEHICLES .....	467
63.600 INDUSTRIAL PERFORMANCE STANDARDS .....	469
63.610 APPLICATION OF STANDARDS .....	469
63.620 STATE AND FEDERAL REQUIREMENTS.....	470
63.630 LOCAL INDUSTRIAL PERFORMANCE STANDARDS.....	470
63.640 VIBRATION .....	472
63.650 NOISE .....	472

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## **CHAPTER 63 LOT DEVELOPMENT STANDARDS**

### **63.100 YARDS, SETBACKS AND OPEN SPACE REQUIREMENTS**

Yards and setbacks define the minimum open space to be provided along the perimeter of a lot. Yards are measured from the lot line; setbacks define the minimum separation required between a lot line and the wall of a building. The Zoning District Tables define the minimum yard or setback to be maintained for each type of use. The yard depth for yards created after the effective date of the ordinance shall equal or exceed the minimum requirements established herein.

63.101 The principal building or principal use on a lot shall be located in the buildable area of the lot.

63.102 Every part of a required yard or setback shall be open to the sky except where:

- 1) Accessory buildings or structures are permitted to encroach;
- 2) Ordinary encroachments as regulated in Section 63.120 are permitted;
- 3) Off-Street parking is permitted as regulated in Article 63.400;
- 4) Exterior storage, display or customer service is permitted according to the regulations found in the Zoning District Tables for the applicable zoning district.

63.103 Yards for lots where the existing right-of-way width of an adjacent street is not consistent with the planned right-of-way width as shown on an adopted Official Street Map or on the Currently Held Valid Thoroughfare Plan shall be measured from the right-of-way line of such street as designated on said thoroughfare plan or official map.

63.104 Yards for lots where all adjacent streets have not yet been platted but are shown in an approved General Development Plan shall be measured from the future right-of-way lines of lines shown in the General Development Plan.

63.105 For earth sheltered and earth bermed buildings, yards shall be measured from the exterior surface of the building regardless of whether it is above or below grade.

### **63.110 APPLICATION OF YARD AND SETBACK REQUIREMENTS**

Front, side and rear yards or setbacks are provided on a lot or site according to the following rules:

- 1) The minimum front yard or setback is provided on a lot or site between the front lot line and a front yard line established at a distance equal to the required front yard or setback. On a corner lot, one frontage shall be designated as the front lot line and all other frontages shall be designated as side street lot line. On a flag lot or a lot with no frontage, the zoning administrator shall designate a front lot line by reference to the following design features:

- a) The location of the structure's primary entrances.
  - b) The orientation of the primary windows required by the Building Code or the structure.
  - c) The location of the longest side of the building.
- 2) The minimum rear yard or setback is provided on a lot or site between the rear lot line and a rear yard line established at a distance equal to the required rear yard or setback. On a triangular-shaped lot, the rear yard line is established by points located on the intersecting lot lines (or which would intersect if extended to form a true triangle) which are equidistant from the apex (or imaginary apex if non-intersecting lot line were extended to intersect) and which, when connected, create a line equal in width to the minimum width at the building line.
  - 3) The minimum side yard or setback is provided on a lot or site, between all side lot lines and a side yard line established at a distance equal to the required side yard or setback, and extending from the front yard line to the rear yard line.
  - 4) On corner lots where potential front and side lot lines create a continuous curve, a radial line intersecting the midpoint of the curve shall be deemed the boundary between the yards.
  - 5) **Establishing the Front Lot Line on Private Roadways:** Where a development utilizes private roadways to provide access to individual buildings within the development, the front lot line shall be considered to be:
    - a) In the case of an access roadway, a line parallel to the edge of the roadway at a distance from the roadway equal to one foot for every five feet of roadway surface width;
    - b) In the case of a limited access roadway, a line established at the edge of the roadway surface;
    - c) In the case of a common driveway, the lot line if one is established or the centerline of the driveway.

In the case where a building is bounded on two or more sides by an access roadway or limited access roadway, one side shall be considered a front yard and the remaining side shall be considered a side street yard.

**63.112 Special Yard and Setback Requirements:** Subdivision 1. The following special yard and setback requirements are established:

Subd. 2. **Front Yards on Cul-de-Sacs:** On lots fronting a cul-de-sac or curvilinear street, the front yard setback may be established a) as a straight line which at no point is closer to the front lot line than a distance calculated as 80 percent of the required front yard, or b) as a line which is parallel to the front lot line at the required setback distance. In no instance shall a setback greater than that established for the district be required.

Subd. 3. **Side Street Side Yard:** The side street side yard shall have a depth equal to the 1/2 of the required front yard in the applicable zoning district. That portion of a side street side yard within 25 feet of a lot line separating the side street side yard from the front yard on an adjacent lot shall have an increased depth defined by a line where one endpoint is 25 feet from the common lot line and located on the side street side yard line and where second point is located six feet from the common lot line and 20 feet from the side street side lot line. In CN-NR district that requires a front yard setback or build-to-line, the side street side yard setback shall be 11 feet in width.

Subd. 4. **Through Lots:** On through lots the lot line across which access is provided and towards which the primary windows and entrances are oriented shall be considered the front lot line. The opposite frontage shall be treated as a side street lot line.

Subd. 5. **Existing Small Lots:** On any residential lot of record in existence on the effective date of this ordinance with a depth of less than 100 feet, the depth of the minimum rear yard may be reduced one percent for each one foot such lot is less than 100 feet in depth, but the reduction shall not exceed one-half of the required minimum rear yard.

Subd. 6. **Alleys:** When a side yard or rear yard on a lot abuts an alley, one-half of the width of the alley may be counted towards meeting the side or rear yard requirement, but in no case shall this result in a building or structure being erected closer to the alley than 1/2 the distance of the minimum required yard or, in the case of a rear yard, closer than five feet from the right-of-way line.

Subd. 7. In the CN-NR district, the front build-to-line is a line between a minimum of 16 feet and a maximum of 24 feet from the front lot line, dependent upon whether there are any existing dwellings within 20 feet of the side lot line of the subject property. When a dwelling is located within the referenced 20 feet of the subject property that fronts the same street as the proposed building, a build-to line "similar" to that dwelling shall be used. If there are two adjacent dwellings within 20 feet fronting the same street, then an average setback shall be calculated using the depth of the front yard of the two adjacent residences to determine the build-to-line. "Similar" in this case means the build-to line selected is no more than three feet in front of or more than ten feet behind the build-to line provided by the nearest dwelling, but shall never be greater than the maximum build-to line dimension. For example, if the adjacent, existing single family residence has a front yard setback of 20 feet, then the new building shall have a build-to line between 17 feet and 24 feet (the maximum).

## 63.120 YARD USAGE REGULATIONS

The following paragraphs define the permitted yard and setback encroachments allowed under the regulations of this ordinance.

63.121 Off-street parking is permitted in the driveway of a one family detached dwelling, one family attached dwelling, attached dwelling, or duplex. Off-street parking for other dwellings shall be permitted as regulated in Article 63.400.

63.122 Except as otherwise provided by this Code, porches, balconies, canopies, stairways, steps and necessary landings 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 a minimum yard or setback which is required along a front or side lot line, and in no case closer than four feet to a side lot line. In the CN-NR district porches, balconies, canopies, stairways, steps and necessary landings and decks which are open (except for reasonable supports, covered patios, enclosed courts, eaves, awnings, bay windows, fire escapes, chimneys, and steps) or have walls with at least a 50% transparency may extend into or over the required front or rear yard setback by as much as eight feet or in required side or side street yards by as much as two feet.

- 63.123 Customary yard accessories, ornaments and furniture, such as freestanding flag poles, statues, fountains, swings, picnic benches, lawn tables, chairs and seats, are allowed in any yard or setback area. Where permitted under the applicable zoning district, signs and gasoline pump islands are allowed in the minimum front and side street side yards.
- 63.124 Appurtenant structures that do not generate noise, such as submerged pumps, television and radio antennas, satellite dishes, underground fallout and blast shelters, or clothes lines may be located in any required yard or setback along a side or rear lot line, provided they are not located closer than three (3) feet to any side lot line.
- 63.125 Open terraces or patios, uncovered porches, and other uncovered paved areas such as stoops may extend into any minimum yard or setback but not closer than 10 feet to any front lot line, and if they are three and one-half (3 1/2) feet or more above the surrounding grade level, they shall not extend into more than twenty percent (20%) of the depth or width of any minimum yard or setback.
- 63.126 **Fences, Walls, and Hedges:** Subdivision 1. A fence, wall, column, pier, post or any similar type structure, or any combination of such structures, may be permitted in any required yard or setback subject to the following requirements:
- A. It shall be the responsibility of the property owner to locate all property lines.
  - B. No fence, wall, or hedge may extend beyond or across a property line unless in joint agreement with the abutting property owner.
  - C. No fence, hedge or wall shall be placed closer than 18 inches to any public sidewalk or within five feet of any alley right of way.
  - D. Fences and walls shall not exceed six feet in height above the elevation of the surface of the ground at any point, (see clause H for additional restrictions) except
    - (1) in instances where public safety or security necessitate, the zoning administrator may authorize fences and walls to have a maximum height not to exceed ten feet above the elevation of the surface of the ground at any point; or
    - (2) when the grade of buildings on adjacent lots is greater than that of buildings on the applicant's lot, the fence may exceed the height limitations, but in no case will the fence exceed the grade of the adjacent building by more than five feet.

- E. No fence, wall or hedge shall be placed closer than ten feet to the intersection of a driveway with any right of way used for vehicular or pedestrian traffic, including alleys.
- F. Fences, walls and hedges located within the traffic visibility zone are subject to the provisions of section 63.500.
- G. Previous references to walls shall apply to freestanding walls only. Walls erected for the purpose of landscaping or protecting slopes shall be permitted as regulated within the Building Code.
- H. In the CN-NR District, fences located within the required front yard or side street side yard shall not exceed four (4) feet in height, shall not be of the chain-link style and must be erected following permanent construction practices using typical outdoor suitable fencing materials such as wood, brick, stone, masonry, wrought iron, aluminum, vinyl or PVC.

Subd. 2. Any person who constructs, installs, alters or maintains a fence, wall, column, pier, post or any similar type structure, or any combination of such structures, in a manner which is not specifically permitted under this section is guilty of a misdemeanor.

63.127 Appurtenant structures that may generate noise, such as air conditioning units, air exchangers or heating units may be located at grade in a yard or setback required along a front or rear lot line. Where located in a yard or setback required along a front lot line, they shall be screened from the view of adjacent properties and public rights-of-way by a fence of solid appearance or evergreen shrubs that at maturity will provide total screening. In no instance shall these structures extend into a required side or front yard to a point closer than four (4) feet from any property line.

63.128 Private easement areas providing access for lots with no frontage or where multiple buildings are located on one lot, shall not be located in a required yard or setback abutting a residential side lot line except by agreement with the adjacent property owner, and shall cross required front yards at right angles to the longest dimension of the required yard unless part of an approved off-street parking area.

### **63.130 LANDSCAPE AREA**

The landscape area ratio identified in the Zoning District Tables shall be applied to the site area or lot area to determine the total amount of landscape area to be provided. All area on a lot or site intended to contribute to the landscape area requirement must meet the further regulations of this section. In the CN-NR District the minimum ratio of landscape area must be met and in addition one contiguous landscape area of at least 200 square feet in area with a minimum dimension of at least eight feet must be provided on a lot the site of a residential use. Where the lot is less than 40 feet in width, the minimum dimension of the 200 square feet of landscape area may be reduced to six feet.

63.131 **Ownership of Landscape Area:** Landscape area ownership, for the purposes of this ordinance, may take one of three forms: private, common, or public:

- 1) **Private Ownership of Landscape Area:** Private landscape area is land located on the same zoning lot as the principal use under the control of the owners of the principal structure or use on the lot.
- 2) **Common Landscape Area:** Common landscape area is land within a development not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the occupants of the development.
- 3) **Public Landscape Area:** Public landscaped area is a form of common landscaped area which has been dedicated in fee to the local governing body or one of its agencies. While maintained for the use and enjoyment of the general public, such area is designed primarily for the residents of the particular development in which it has been utilized to meet the landscape area requirement.

63.132 **Preservation of Common and Public Landscape Area:** Landscape area shall be maintained so that use and enjoyment as open space is not diminished or destroyed. Common or public landscape area may be owned, preserved and maintained by any of the following mechanisms:

- 1) **Condominium:** The landscaped area may be controlled through the use of condominium agreements. All landscaped area shall be held as a "common element".
- 2) Dedication of open space to the City of Rochester or an appropriate public agency, if either is willing to accept the dedication.
- 3) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
- 4) Dedication of development rights of open space may be made to an appropriate public agency with ownership and maintenance responsibility remaining with the developer or homeowner's association.
- 5) Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open-space land and provide for maintenance responsibility.
- 6) Land designated as the required landscape area for a development shall not be sold, subdivided or developed unless adequate landscape area remains for the original development to meet ordinance requirements. Landscape area for one development may not be used to meet the requirements for another development.

63.134 An application for a development permit shall indicate the boundaries of the area utilized to meet landscape area requirements and, in the case of common or proposed public landscape area, the application shall be accompanied by proposed documents specifying ownership and maintenance responsibilities.

63.135 Private or common landscape areas shall be developed in a manner which serves one or more of the following purposes:

- 1) to separate use areas on the development, such as circulation from recreation

- 2) to provide aesthetic benefits by providing a feeling of openness to the development when viewed from the adjacent right-of-way or adjacent residential properties
- 3) for passive or active recreational purposes
- 4) to enhance the livability of interior building areas by providing open space adjacent to window

63.136 When landscaped area is provided through either common or public means, assurances shall be provided that the area will be accessible to all residents of the development. Such access may be provided either through adjacency of the private lots or buildings to the common space, the use of walkways or accessways leading to the common or public areas, or public rights-of-way which have frontage on the common or public open space for a distance of at least 40 feet.

63.137 **Permissible Types of Landscaped Areas:** Subdivision 1. Landscaped areas include

1. required yards, courts and bufferyards which are free of buildings, structures and other substantial improvements (except structures or improvements qualifying as usable recreational area)
2. Driveways which serve parking areas providing off street parking for residential buildings with four or less units, with the following exceptions:
  - a. In the CN-NR district, the driveways that serve parking areas are not permissible landscape areas; and
  - b. In the R-2x district, driveways that serve parking areas providing off street parking for all residential buildings shall be permissible landscaped area
3. Ground surface areas located above underground facilities which meet the other requirements of this section;
4. Pedestrian and bicycle paths;
5. Plazas within a building which are directly oriented to the major pedestrian entrance of the building and are open to view and use by the public; and
6. Areas developed for either passive or active recreation at ground level and natural areas such as lakes, ponds, wetlands or grassed waterways.

Subd. 2. In the CN-NR district pervious pavement designed for outdoor recreation use or useable open space is a permissible type of landscape area.

63.138 The following examples are listed by way of illustration to indicate what may not be counted as landscaped area within the meaning of this section:

- 1) Public or private right-of-way for streets;
- 2) Roofs;
- 3) Open parking areas or parking garages;
- 4) Driveways which serve four (4) or more parking spaces; except as provided for in 63.137;
- 5) Non-recreational buildings, including storage sheds and carports.

- 6) Balconies, screened porches, terraces or similar passive recreation areas that are an integral part of the building.

63.139 **Permitted Obstructions over Landscaped Areas:** The following shall not be considered obstructions when located over any landscaped area:

- 1) Unenclosed terraces, fire escapes, planting boxes or air conditioning units, provided no such items project more than six (6) feet into or over the landscaped area.
- 2) Unenclosed balconies.
- 3) Eaves, gutters or downspouts.

#### 63.140 **USABLE RECREATION AREA**

The usable recreation area provided for any multi-family residential use or performance residential development utilizing common or public landscaped areas shall be considered an accessory use to the development and shall be designed primarily for the use of the residents of that development. Usable recreation area may be developed for either active or passive recreation purposes, subject to the further regulations of this article.

63.141 Any development application involving a use requiring usable recreation area shall identify the boundaries of the areas and the types of improvements to be provided in the recreation areas.

63.142 Land designated as the required usable recreation area for a development shall not be sold, subdivided or otherwise developed unless adequate recreation area remains to meet ordinance requirements. Usable recreation area required to meet ordinance requirements for one development may not be used to meet the requirements for another development.

63.143 For the purpose of determining the actual amount of usable recreation space to be provided, the percentage specified in the Zoning District Tables shall be multiplied by the actual floor area of the residential use, resulting in the square footage of space to be provided.

63.144 The ownership and maintenance of useable recreation area shall meet the requirements for Landscape Area in Section 63.130.

63.145 **Permissible Improvements to Usable Recreation Areas:** Usable recreation areas shall be improved so that they may be utilized for either passive or active recreation. Outside, ground level recreation areas shall, at a minimum, be improved with grass, either through seeding or sodding, or it may be left in its natural state if pathways and/or sitting and observation areas are developed to provide access to the natural area. Ground level, outdoor recreation areas may also be improved for use as active recreation areas through the installation of play apparatus such as swings, slides or sandboxes, basketball hoops, tennis courts, ballfields, swimming pools and similar uses. Paved or grassed areas used for picnic tables, lawn furniture or barbecue stands and the like are suitable uses for passive recreation areas. In addition, the following types of spaces which are integrally designed as part of the principal building may be counted towards the usable recreation space requirement:

- 1) Exterior balconies at least 70 square feet in size that are provided for individual dwelling units.
- 2) The following areas if they are accessible to all residents in a development:
  - a) Terrace areas that are open to the sky.
  - b) Roof areas that have been improved for either passive or active recreational use. At least a portion of the roof area should be designed for all weather use through enclosure.
  - c) Indoor spaces devoted to active recreational use, such as swimming pools, racquetball courts, jogging tracks, or similar uses.

63.146 **Useable Recreation Area Design:** Areas designated for use as usable recreation area shall meet the following requirements:

- 1) **Surface Characteristics:** Up to one-half (1/2) of the required recreation area provided at ground level or in an adjacent public space may consist of water surfaces such as ponds, lakes or stream. Separate, accessory recreational buildings at ground level may be counted as usable recreation space to the extent that the total impervious surfaces of such structure does not exceed ten (10%) percent of the total required landscape area for the development.
- 2) **Dimensions:** Ground level landscaped areas and adjacent public open space areas intended to meet the usable recreation area requirement shall meet the following dimensional requirement.
  - a) If the required recreation area is less than 10,000 square feet, all of it shall be located in a contiguous portion of the site or lot and no dimension shall be less than thirty (30) feet, except that inner block play areas for small children (improved with suitable apparatus) shall have a minimum dimension of twenty (20) feet and a minimum size of 1,000 square feet. If the required area is less than 900 square feet, the minimum dimension may be reduced to fifteen (15) feet, and in no case shall the area be less than 240 square feet in size.
  - b) For every 20,000 square feet of required usable recreation space, at least one area of not less than 10,000 square feet with a minimum dimension of fifty (50) feet shall be provided.
  - c) Pedestrian or bicycle paths located in the interior of a block, paved or otherwise surfaced in a dust-free manner, may be counted towards the usable recreation requirement if the way is at least ten (10) feet in width and is part of an integrated system leading to principal destinations such as a park, school, or major recreation area over 10,000 square feet in size.
- 3) **Slope:** Ground level landscaped areas and adjacent public spaces intended to meet the usable recreation requirement shall meet the following requirement:
  - a) Up to one-half (1/2) of the required recreation area shall have a finished slope of less than ten (10%) percent.

- b) The remainder of the area may have a slope of up to twenty-five (25%) percent if devoted and improved for passive recreational use.

63.147 **Location and Access:** Usable recreation areas should be centrally located in large developments (sites of over 5 acres) or distributed throughout the development so as to be readily accessible to the largest number of residents.

Access should be available to usable recreation areas utilizing common landscaped area or adjacent public space either through the sharing of common lot lines, linkage by way of walkways or bicycle paths, or access by means of a public or private street right-of-way with a frontage of at least twenty (20) feet on the usable recreation area.

### 63.150 **REQUIRED PLANTINGS**

The requirements of this Section specify the standards for plant materials which must be met in order to satisfy the provisions set forth for bufferyards and landscaping in this ordinance.

63.151 **Landscape Plan Required:** Any application for a zoning certificate or Conditional Use Permit involving the installation of required plantings shall be accompanied by a landscape plan containing the following information:

- 1) The location of all driveways, parking areas, islands, sidewalks, structures, utilities, and other features, existing or proposed, affecting the landscaping and screening of the site.
- 2) Location and identification of all existing trees, shrubbery and other vegetation intended for use in meeting the plantings requirement of this ordinance.
- 3) A planting schedule consisting of a key, common name, quantity, size, and planting instructions.
- 4) Proposed plantings shall be shown on the plan at the normal mature spread for this hardiness zone. Typical sections of planting beds and landscaped islands with identification of materials shall be provided.
- 5) Proposed seeding or sodding plans for all disturbed areas shall be provided, indicating the type of ground cover to be used, and the method of application.

63.152 All plant materials must meet specifications of the American Association of Nurseryman (AAN) for the number and grade.

63.153 Plant materials that may be utilized to meet the requirement of this article are contained in Appendix D. The zoning administrator may permit other types of plant materials if they are hardy to the area, are not subject to blight or disease, and are of the same general character and growth habit as those listed in Appendix D.

63.154 **Minimum Plant Size:** Unless otherwise specifically indicated elsewhere in this ordinance, all plant materials shall meet the following minimum size standards:

Plant Material Type	Minimum Size of Plantings
Canopy Tree	
• Single Stem	1 1/2" caliper
• Multi-Stem Clump	6' (height)
Understory Tree	4'
Evergreen Tree	3'
Shrub	
• Deciduous	15"
• Evergreen	12"

63.155 **Existing Plant Material:** Existing, healthy plant material may be utilized to meet landscaping or bufferyard requirements provided they meet the minimum plant size specified in paragraph 63.154.

63.156 **Installation of Plantings:** All plantings required by this ordinance shall be installed prior to final building inspection unless the zoning administrator waives such requirement in lieu of planting at such time of the year, such as in the spring or early fall, which will optimize the chances of success for growth of the plant materials. When the zoning administrator extends the time within which required plantings can be installed, the applicant shall provide a letter of credit, a paid in full receipt of reputable landscape firm, a performance bond or an escrow deposit to insure that all plantings are installed. All financial guarantees shall be equal to the sum of one hundred (100%) percent of the total cost, including materials and labor, of installation of the required plantings. The city shall be entitled to reimburse itself out of said funds for any cost and expense incurred by the city for completion of the work in case of default. Where financial guarantees are required for such improvements under other governmental authority, such as FHA Approval Requirements, and these conditions of approval meet or exceed the ordinance requirements, no additional guarantee is required.

## 63.200 APPEARANCE CONTROLS

This Article describes the appearance control standards found in the Zoning District Tables for each of the various uses listed therein.

## 63.210 EXTERIOR LIGHTING STANDARDS

This section describes the exterior lighting standards (R,A,B,C,D,E) identified in the Zoning District Tables of Chapter 62 for each type of permitted or conditional use.

63.211 **Purposes:** The purpose of these regulations is to regulate the spillover of light and glare from private developments onto the operators of motor vehicles in the public and private roadways, and on land uses in the vicinity of the light source. With respect to motor vehicles in particular, safety is the prime consideration for the regulations contained herein.

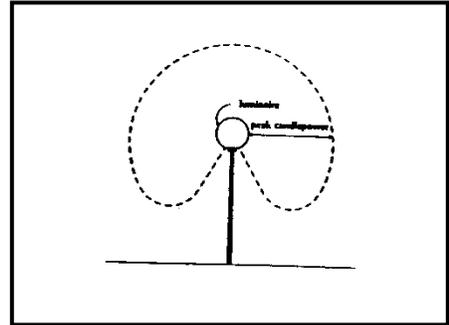
63.212 **Definitions:** For the purpose of applying the regulations of this section, the following definitions shall apply:

- 1) **Cutoff:** The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.
- 2) **Cutoff Angle:** The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source.
- 3) **Cutoff-Type Luminaire:** A luminaire with elements such as shields, reflector, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.
- 4) **Foot-candle:** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- 5) **Glare:** The brightness of light source which causes eye discomfort.
- 6) **Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

63.213 **Standards:** The following paragraphs describe the criteria for maximum permitted illumination (in foot-candles) and for maximum permitted height of luminaire for each standard (R,A,B,C,D, or E) for luminaires with different cutoff angles.

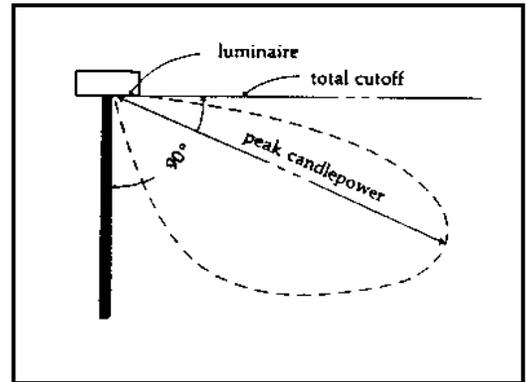
1) The standards for a light source or luminaire with no cutoff are:

Standard	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire
R	0.20	10'
A	0.20	15'
B,C,D,E	0.30	20'



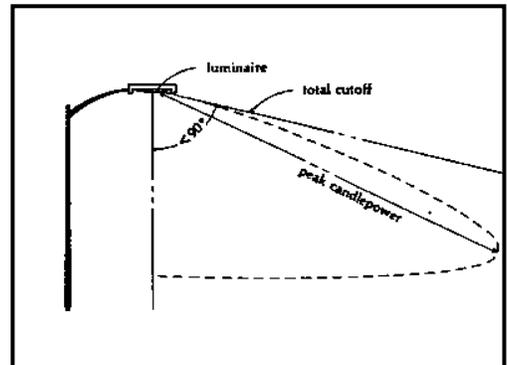
2) The standards for a luminaire which has a total cutoff angle greater than 90 degrees are:

Standard	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire
R	0.3	15'
A	0.5	20'
B	0.75	25'
C	1.0	30'
D	1.5	35'
E	2.0	40'



3) Luminaires with a total cutoff of light of less than 90 degree shall be designed so that the bare light bulb, lamp or source is completely shielded from the direct view of an observer standing at the property line at a point five feet above grade. The maximum permitted design requirements for cutoff luminaires are:

Standard	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire
R	0.5	20'
A	1.0	25'
B	2.0	30'
C	3.0	40'
D	4.0	50'
E	5.0	60'



- 63.214 **Exception for Outdoor Recreation Uses:** Because of their unique requirement for nighttime visibility and their limited hours of operation, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section. Lighting for these outdoor recreational uses shall be shielded to prevent light and glare from spilling over onto adjacent residential properties. The maximum permitted illumination at the property line shall not exceed two foot-candles.
- 63.215 **Additional Regulations:** In addition to the above regulations, the following provisions shall apply:
- 1) No flickering or flashing light shall be permitted.
  - 2) Light sources or luminaires shall not be located within bufferyards except along pedestrian walkways.
  - 3) The use of exterior lighting for nonresidential uses shall observe the same hours of operation as the use itself, except that a minimum level of lighting for security purposes may be left on beyond the normal hours of operation.
- 63.216 **Method of Measurement:** Lighting levels shall be measured in foot candles with a meter sensor mounted not more than six inches above ground level in a horizontal position at the property line. Readings shall be taken only after the cell as been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination specified in this section for the type of luminaire used.

## 63.220 SIGN REGULATIONS

This section describes the signage standards (R,A,B,C, or D) identified in the Zoning District Tables of Chapter 62 for each type of permitted or conditional use. Specific additional regulations are established for signs which are unique in purpose and not easily addressed by regulations of a general nature.

- 63.221 **Purpose and Intent:** The purpose of the provisions of this ordinance addressing signs is to promote the public welfare, health and safety within the City by the establishment of comprehensive standards, regulations and procedures governing the erection, use and display of devices serving as visual communications media; to provide a procedure for the orderly transfer of advertising sign erection rights when a sign company's ability to maintain a sign has ended; to promote and preserve aesthetics and to allow citizens to enjoy the natural scenic beauty of the City; to protect the motoring public from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs; to preserve property values within the City and to allow signs appropriate to the planned character of each zoning district. The regulations of this section attempt to balance the need for signage with the impact of such signage by establishing minimum standards related to the use, location and intensity of particular land uses.
- 63.222 **Types of Signs:** Signs are classified as one of the following types for the purpose of regulation. Where a sign contains information that is both advertising and business related in nature, the zoning administrator shall make a determination on the area of sign

devoted to each purpose, and shall apply the regulations of this section as if the entire sign was of the same nature as the majority of the sign.

1) **Primary Sign Types:**

- a) **Freestanding signs:** A self-supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground.
- b) **Graphics:** A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.
- c) **Projecting signs:** A sign, other than a wall sign, which attaches to and projects from a structure or building facade.
- d) **Roof sign:** A sign mounted on the roof of a building or which depends upon a parapet wall for support.
- e) **Wall sign:** A sign mounted parallel to a building facade or other vertical building surface. These signs shall not be mounted more than 18 inches from the wall surface they are attached to.

2) **Detailed Sign Types:** In addition to the primary sign types there are an additional class of signs whose purpose and application is more narrow and limited in nature. Signs in this class include:

- a) **Auxiliary Sign:** A sign providing information of a special or general nature which does not include information on names, brands or product lines, such as hours of operation, length of special sales, security warnings, directions for parking or entry or general pricing information (such as gas prices at service stations).
- b) **Church Sign:** A free standing or wall sign that is not over 24 square feet in area and located on the same lot as the church it identifies.
- c) **Development Signs:** A sign which by symbol or name identifies a completed development consisting of multiple individual uses and/or phases, such as an industrial park or subdivision, or which provides an index or directory of tenants in the development is a DEVELOPMENT IDENTIFICATION SIGN. A sign intended to inform the public of a development under construction or lots for sale in a development is a CONSTRUCTION SIGN.
- d) **Marquee:** A structure attached to and projecting from a wall of a building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.
- e) **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; flags advertising hours of operation, products or sales; umbrellas used for advertising, except advertising umbrellas used in conjunction with the operation of a

restaurant; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used for normal day-to-day operations of a business. A banner is not a portable sign. A portable sign cannot be made permanent.

- f) **Changeable Message Sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than eight (8) times per day or on which the only copy that changes is an electronic indication of time or temperature shall not be a changeable message sign under this ordinance.
- g) **Service Canopy:** A roof like structure attached to or detached from the principal building which provides only overhead protection to outside customer service areas.
- h) **Sun Canopy:** An awning made of cloth or permanent construction, attached to the wall of a building, for the purpose of shielding windows or doorways from the elements.

63.223 **Rules for Applying Sign Standards:** The following rules shall be used in applying the sign standards to a specific use:

A. **Measuring the Area of a Sign:** The area of a sign shall be determined as follows:

- 1. In the case of free standing, projecting, roof and marquee signs, the area is the entire surface area on which copy could be placed. Support structures or bracing are not counted as part of the sign area unless an integral part of the sign's message. Where a sign has two display faces back to back, the area of only one face shall be considered the sign area. Where a sign has more than one display face, all areas which could be viewed simultaneously shall be considered the sign area.
- 2. In the case of a sign whose message is fabricated together with the background which borders or frames that message, the sign area shall be the total area of the entire background.
- 3. In the case of a sign whose message is applied to a background which provides no border or frame, the sign area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems and other elements of the sign message.

B. **Measuring the Height of a Sign:** The height of a sign shall be measured as follows:

- 1. The height of a free standing sign shall be measured from the grade at the base of the sign to the top of the sign face.
- 2. The height of a projecting sign shall be measured from the grade below the sign to the top of the sign face. The base of any projecting sign must be at least eight (8) feet above the grade.

3. The height of a wall sign shall be measured from the grade adjacent to the building to the top of the sign face. The sign height shall not exceed the permitted maximum height allowed in the underlying district, and in no case shall extend more than four feet above the top of the wall it is attached to. In the B-5 district, the sign must not extend above the top of the wall it is attached to.
4. The height of a graphic sign shall be measured from the grade adjacent to the wall to the top of the sign area.
5. The height of roof signs shall be measured from the top of the outside building wall to the top of the sign area.

C. **Lighting of Signs:** Methods of illuminating signs may be divided into several types:

1. **General:** The sign itself is neither lighted internally nor has a specific source of light directed at it. The sign depends on the general illumination of the area for its lighting.
2. **Internal:** The sign is illuminated by a light source located inside of the sign structure. This category includes neon lighting.
3. **Back Light:** The sign message is raised off of the sign's background and illuminated by a light source located behind the message which illuminates the background.
4. **Spot Light:** The sign is illuminated by spotlights directed specifically at the sign area.
5. **Message Board:** The sign face consists of individual miniature light sources which may be programmed to recreate images of letters or shapes which form words or images creating the sign's message. Such lighting patterns may change to modify the sign's message on a regular basis.

63.224 **General Regulations:** The following provisions apply to all signs regulated by this ordinance:

Subd. 1. **Permitted Number of Signs:** The number of signs permitted on a site is as follows:

- A. In residential districts, any permitted nonresidential use shall be permitted one free standing sign and one other primary sign. If the use has frontage on more than one street, an additional primary sign may be permitted. Each sign may have an area equal to the maximum sign area permitted in the district.
- B. In nonresidential districts each use shall be permitted one free standing sign. In addition, one other primary sign is permitted for each 20 feet of frontage, subject to the regulation that the total area for all signs of a given sign type shall not exceed the maximum area for that sign type listed in the table in paragraph 63.225.

- C. Lots with no frontage or flag lots are subject to the same general regulations listed above, with the modification that the width of the lot at the building line shall be used instead of the frontage for determining the number of signs permitted. Signs for such lots may be placed on adjacent lots having frontage along a street.
- D. Advertising signs shall not count against the number of permitted signs, except if classified as a roof sign.
- E. There is established a limit on the number of advertising signs in existence in the City of Rochester. The limit shall be known as a cap. That cap shall equal the total number of advertising signs in existence at the time this ordinance is enacted, the seven issued but unused sign credits in existence at the time this ordinance is enacted and the fifteen sign permit applications pending but not yet acted upon at the time this ordinance is enacted. The cap may be changed by resolution of the City Council. No new advertising signs shall be erected within the City of Rochester if such new sign(s) would cause the cap on the number of advertising signs to be exceeded.
- F. In addition to the restrictions outlined above, advertising signs which contain stacked multiple display faces are prohibited.

**Subd. 2. Construction Criteria for Signs:**

- A. All permanent signs shall be constructed to meet Building Code standards for wind resistance and wind loads. Signs shall be rigidly suspended by means of fastening or support so as not to be free swinging nor a menace to persons or property.
- B. No sign shall be placed so as to obstruct or interfere with a window, doorway or fire escape, or with the traffic visibility zone requirements of this ordinance.
- C. No signs shall be erected that closely resemble or approximate the size, shape, form and color of official traffic regulation signs and markers that are erected by proper government authority.
- D. Signs illuminated by electricity or equipped in any way with electrical devices shall conform to the provisions of the electrical code.
- E. Adequate provisions shall be made for grounding metallic parts of roof signs exposed to lightening.
- F. All signs, together with their supports, braces, guys and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the owner, lessee or manager of the property in a clean, sanitary and inoffensive condition and free and clear of all obnoxious substances, rubbish and weeds. The repainting, changing of parts and maintenance of signs shall not be deemed as alterations requiring a sign permit.
- G. The source of light for any sign shall be shielded so that the source of light is not visible in any residential district or to any oncoming vehicular traffic, and the light shall not be directed into such area.

- H. The exposed uprights, superstructure and/or backside of all signs shall be painted a neutral color such as light blue, gray, or white unless it can be demonstrated that such part of the sign designed or painted in another manner is integral to the overall design of the sign.
- I. No signs shall be painted on, attached to, or affixed to any trees, rocks, or similar organic or inorganic natural matter, or on any power line or telephone pole.
- J. Signs that advertise uses that are no longer in operation shall be removed by the sign owner within 60 days from the date the use ceased operation.
- K. No signs except those of a duly constituted governing body shall be erected or allowed to extend over a public right-of-way. However, in the Central Development Core District, such signs are permitted where a revocable permit is secured prior to issuance of a sign permit. All other signs, except advertising signs, shall be setback from lot lines so that no portion of the sign is closer than two (2) feet from any lot line or the vertical extension thereof. The location of advertising signs shall be governed by 63.224 Subd. 5.
- L. Flashing, moving or intermittently lighted signs are not permitted 1) in the Medical Area of the Central Development Core or 2) in any residential district, or 3) on any nonresidential lot abutting directly or across any street a residential district.

Subd. 3. **Permitted Increase in Sign Area:** In the B-1 District, the maximum area for free standing and wall signs under Standard B may be increased for sites with large frontages according to the following rules:

- A. Along a freeway or expressway, 0.33 square feet for every one foot of frontage beyond the first 80 feet.
- B. Along an arterial, 0.25 square feet for every one foot of frontage beyond the first 80 feet.
- C. Along a collector, 0.15 square feet for every one foot of frontage beyond the first 80 feet.

Subd. 4. **Exempt Signs:** The following signs shall be exempt from regulation under this ordinance:

- A. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance.
- B. Any sign inside a building not attached to a window or door that is not legible from a distance of more than 3 feet beyond the lot line of the zone lot or parcel on which the sign is located.
- C. Works of art that do not include a commercial message.
- D. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.

- E. Any sign, display or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale and that complies with size, lighting and spacing requirements of this ordinance.
- F. Any For Sale or For Rent sign which advertises either the sale or rental of the premises upon which the sign is located as long as the sign does not exceed twenty-four square feet in area or four feet in height.
- G. Any political campaign sign in light of Minnesota Statute 211B.045.
- H. For any educational institution in the MRD #1 District, any sponsorship sign(s) affixed to an athletic facility structure (excluding fencing) with no more than 10,000 square feet in total sign area per campus and with no sign larger than 2,400 square feet.

Subd. 5. **Advertising Sign Location:** The following guidelines shall govern spacing of such signs:

- A. No advertising sign shall be located within 1000 feet of another sign located on the same side of the street. Distances between advertising signs shall be measured along the adjacent right of way line of the street or highway to which the advertising sign is directed as set forth in Figure 1a.
- B. No advertising sign shall be located within a radius of 100 feet from the point of intersection of the right of ways of two or more streets or highways as set forth in Figure 1b.
- C. No advertising sign shall be located within 200 feet of the intersection of a street and a railroad right of way. Distance shall be measured from the centerpoint of the street-railroad intersection to the nearest edge of the advertising sign as set forth in Figure 1c.
- D. No advertising sign shall be located within 300 feet of a playground, church, school or medical facility. This distance shall be measured from the nearest edge of the advertising sign to the playground, church, school or medical facility to the closest point on any boundary line of the playground, church school or medical facility property as set forth in Figure 1d. This restriction only applies to playground, church, school or medical facility properties which abut the same right of way an advertising sign is oriented toward. However, it also specifically applies to playground, church, school or medical facility properties located on the opposite side of a right of way an advertising sign is oriented toward.
- E. No advertising sign shall be located within 250 feet of a boundary of a district which is zoned residential. This distance shall be measured from the nearest edge of the advertising sign to the residential district to the closest point on any boundary of the residential district as set forth in Figure 1e.
- F. No advertising sign shall be located closer to a property line than the building setback for the zoning district where that sign is located. In districts where the zoning setback is zero (0), advertising signs shall be setback at least two (2) feet from the edge of the right of way line as set forth in Figure 1f.

G. No advertising signs shall be allowed along the portions of the following streets and highways located within the limits of the City of Rochester: County State Aid Highway 22 from trunk Highway 52 at Apache Mall westerly and northerly to Trunk Highway 52 at 55<sup>th</sup> Street NW, along County State Aid Highway 22 from Trunk Highway 14 at the University Center northerly and westerly to Trunk Highway 63 at 37<sup>th</sup> Street NW and along 55<sup>th</sup> Street NW from Trunk Highway 52 easterly to County Road 133 (West River Road). This prohibition means that advertising signs shall not be located within 300 feet of the rights of way of these streets and highways and shall not be oriented toward them.

H. No advertising sign shall be placed in a wetland.

63.2241 **Banners:** Subdivision 1. For purposes of this section, the term “banner” shall mean a strip of cloth-like, vinyl, lightweight or other woven material on which a sign appears.

Subd. 2. Notwithstanding any provision in this Code to the contrary, no person may install or maintain a banner unless the banner is mounted parallel to a building façade or other vertical building surface. A banner may not be mounted more than 18 inches from the wall surface to which it is attached.

Subd. 3. Banners in residential districts shall be subject to the following limitations:

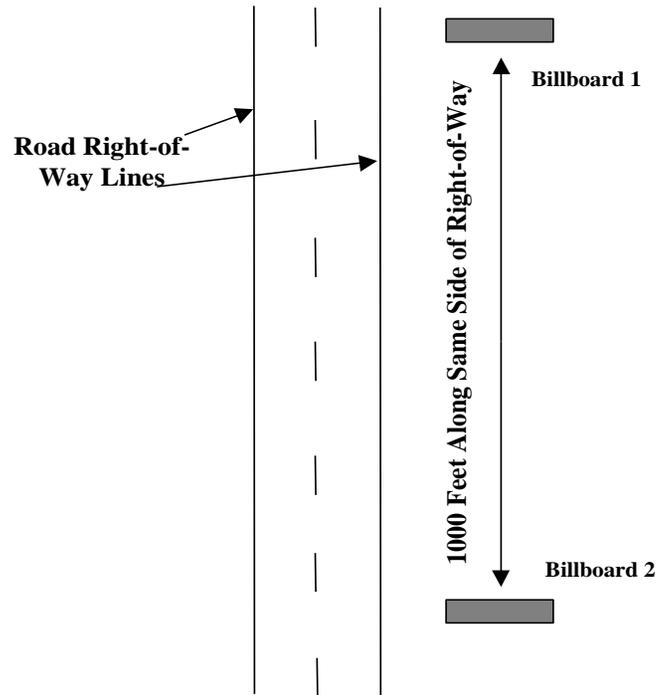
<p>Non-Residential Uses (i.e. office, personal service, area accessory – church, school, etc)</p>	<p>No more than one banner shall be permitted per use or per tenant. No banners are permitted on any wall abutting a residential use of less than 4 units or adjacent to a RS-a, R-1, CN-NR, or R-1x District.</p>
<p>Multi-Family Residential developments with 4 units or more</p>	<p>One banner shall be permitted per multi-family development with 4 units or more, when the banner is oriented toward an abutting primary collector road, or higher order roadway or adjacent to a R-2, R-3, B-5, B-1, B-4, M-1, M-2 or M-3 Zoning District. No banners are permitted on any wall abutting a residential use of less than 4 units or adjacent to a RS-a, R-1, CN-NR, or R-1x District.</p>
<p>All other uses in Residential Districts</p>	<p>Banners are prohibited.</p>

Subd. 4. For purposes of this section, a residential district includes all residential zoning districts, the B-5 (Residential Commercial) zoning district and any special district used for residential purposes.

### Figure 1a

Required Distance Between Advertising Signs

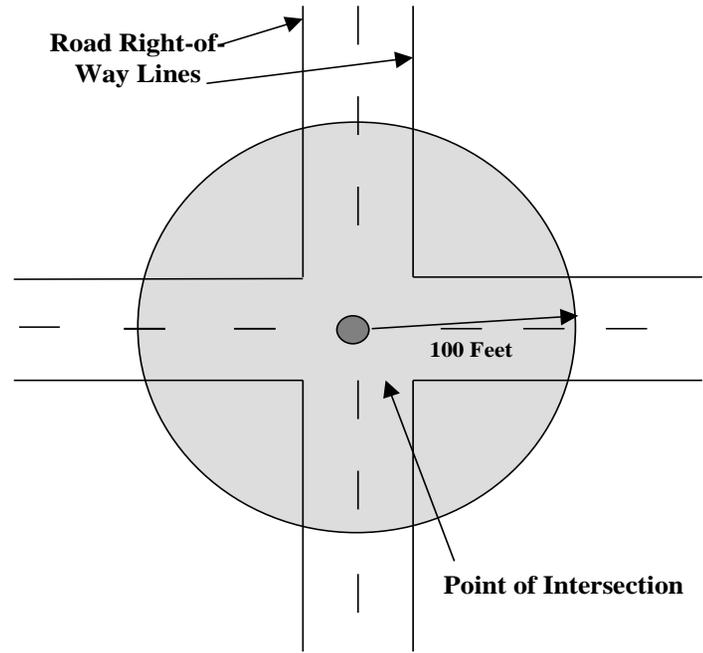
63.224 (5,a)



### Figure 1b

Required Setback From Street Intersection

63.224 (5,b)

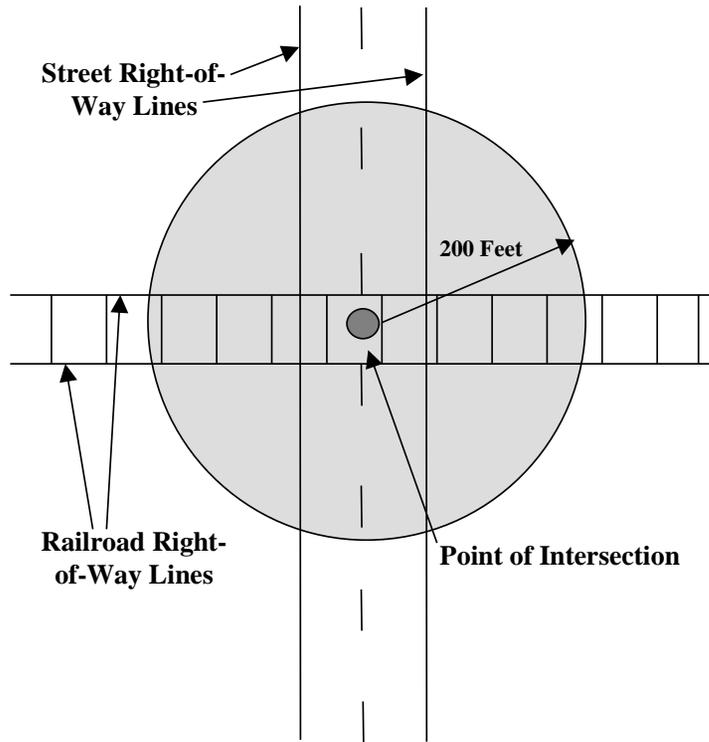


No Advertising Signs Permitted in Shaded Area

# Figure 1c

Required Setback from Street and Railroad Intersection

63.224 (5,c)

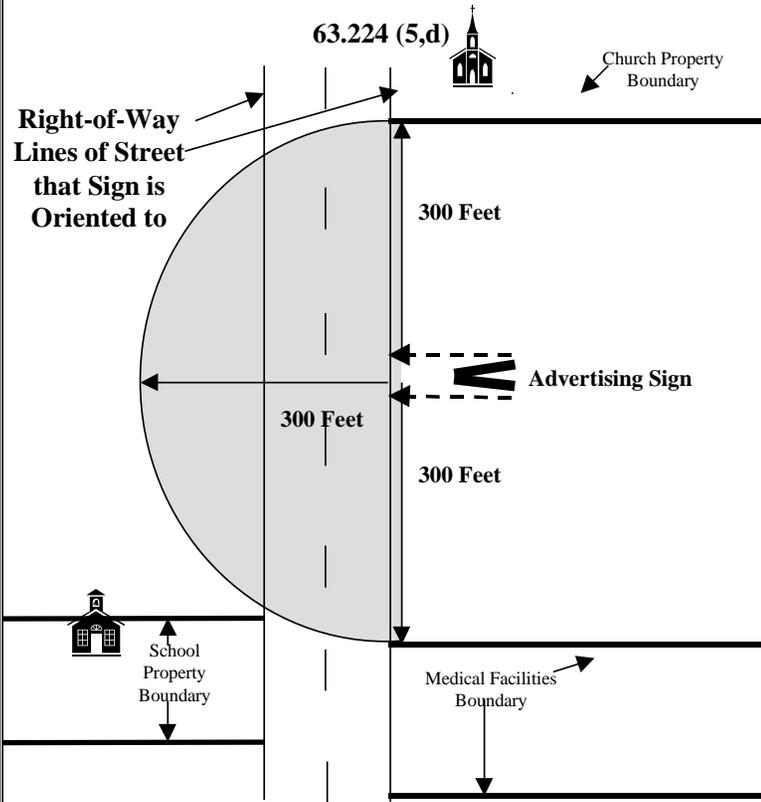


No Advertising Signs Permitted in Shaded Area

# Figure 1d

Required Setback From Church, School, Medical Facility, or Playground

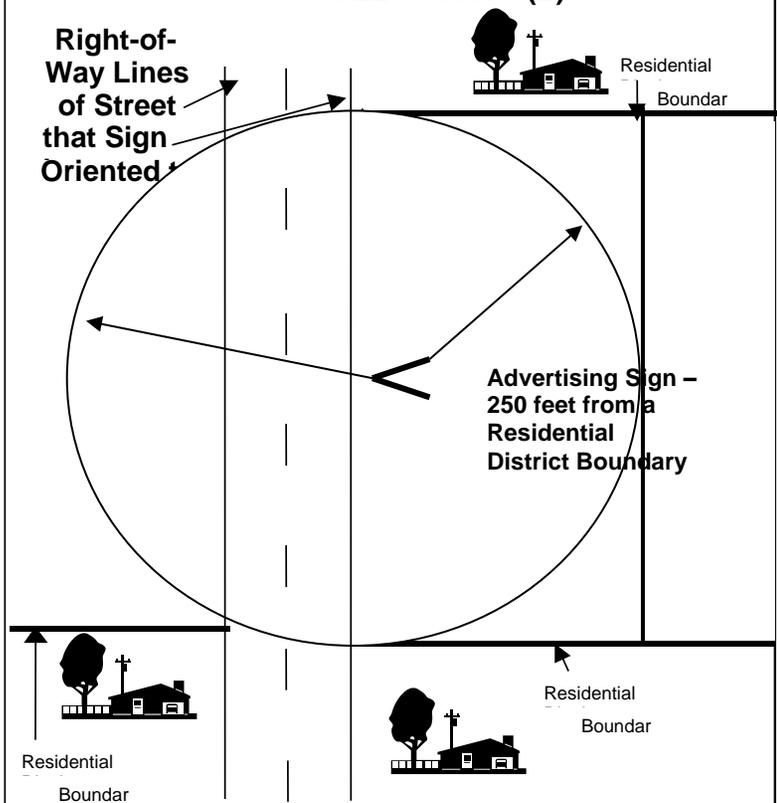
63.224 (5,d)



# Figure

## Required Setback from Residential

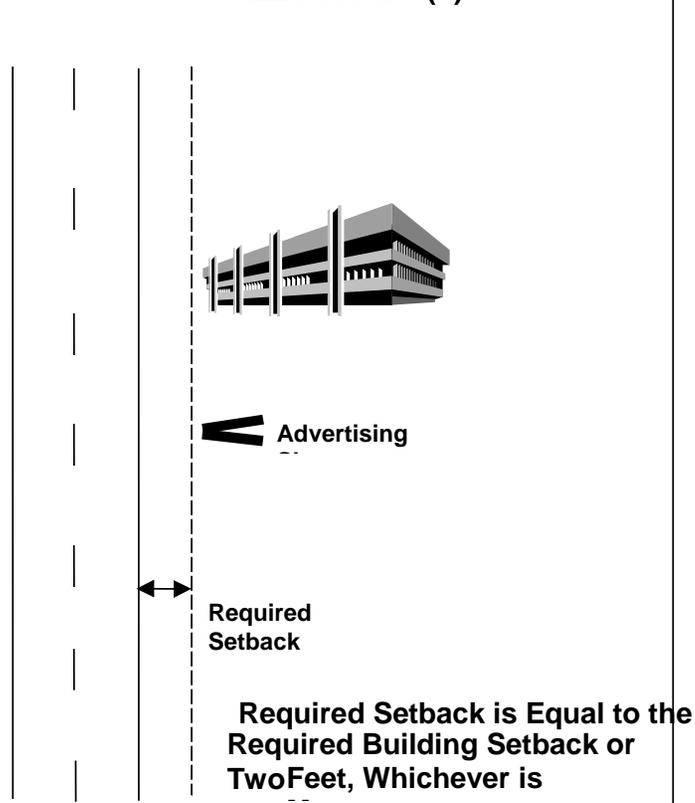
63.224 Subd. 5 (E)



# Figure 1f

## Required Setbacks for Advertising

63.224 Subd. 5 (F)



## 63.225 TABLE OF SIGN STANDARDS - PRIMARY SIGN TYPES

**ABBREVIATIONS/SYMBOLS:**

**MAXIMUM AREA:** (See Paragraph 63.223(A) for guide on determining area of a sign)  
**MAXIMUM HEIGHT:** (See Paragraph 63.223(B) for guidance on determining height of a sign)  
**PERMITTED LIGHTING** (See Paragraph 63.223(C) for a description of each type of lighting)  
**G – General      S - Spot light**  
**I – Internal      M - Message Board**  
**B - Backlight**  
**PURPOSE** (See Paragraph 60.200 for definitions of each type)  
**BS - Business Sign**  
**AD - Advertising Sign**

<b>SIGN TYPE</b>	<b>R</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>FREE STANDING SIGN</b>					
Maximum Area	12 SQ.FT.	24 SQ.FT.	50 SQ.FT.	350 SQ.FT.	600 SQ.FT.    600 or 400 SQ. FT. [2]
Maximum Height	6'	10'[4]	25'	40'	50' [1]    50' with minimum 20' clearance under sign [1]
Permitted Lighting	G	G,S	S,I,B	S,I,B,M	S,I,B,M    S,I,B,M
Purpose	BS	BS	BS	BS	BS    AD [3]
<b>PROJECTING SIGN</b>					
Maximum Area	NOT PERMITTED	12 SQ.FT.	32 SQ.FT.	32 SQ.FT.	40 SQ.FT.
Maximum Height		12'	14'	16'	18'
Permitted Lighting		G,I	G,I	G,I,B	G,I,B
Purpose		BS	BS	BS	BS
<b>WALL SIGN</b>					
Maximum Area	12 SQ.FT.	24 SQ.FT.	50 SQ.FT.	350 SQ.FT.	600 SQ.FT.
Maximum Height	8'	See Section 63.223(B)(3)	SEE PARAGRAPH 63.223(B)(3)		
Permitted Lighting	G	G,B	G,B,S	S,I,B,M	S,I,B,M
Purpose	BS	BS	BS	BS	BS
<b>GRAPHICS SIGN</b>					
Maximum Area	6 SQ.FT.	10% OF WALL	25% OF WALL	40% OF WALL	50% OF WALL
Maximum Height	8'	NA	NA	NA	NA
Permitted Lighting	G	G	G,S	G,S	G,S
Purpose	BS	BS	BS	BS	BS
<b>ROOF SIGNS</b>					
Maximum Area	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED	150 SQ.FT.	250 SQ.FT.
Maximum Height				15'	25'
Permitted Lighting				S,I	S,I
Purpose				BS	BS
<b>AUXILIARY SIGNS      (See Paragraph 63.222(2) for Definition of Auxiliary Signs)</b>					
<b>Maximum Area</b>					
Free Standing Auxiliary Sign	2 SQ.FT.	10 SQ.FT.	25 SQ.FT.	50 SQ.FT.	75 SQ.FT.
<b>Maximum Height</b>					
Free Standing Auxiliary Sign	6'	7'	8'	8'	10'
<b>Maximum Area</b>					
Maximum Area of any single Auxiliary Wall Sign	2 SQ.FT.	10 SQ.FT.	25 SQ.FT.	32 SQ.FT.	40 SQ.FT.
<b>Maximum Area</b>					
Maximum Area of Window Display devoted to Auxiliary Sign	5% OF WINDOW	7% OF WINDOW	10% OF WINDOW	20% OF WINDOW	30% OF WINDOW

**FOOTNOTES:**

- [1] In sign type "D", height in excess of 50' above grade may be permitted with the issuance of a Type II Conditional Use Permit, according to the procedures established in Paragraph 60.520.
- [2] A maximum sign area of 600 sq. ft. is permitted for those advertising signs which are oriented toward freeways, expressways, and arterials as designated on the ROCOG Thoroughfare Plan. Advertising signs oriented toward all other roadways have a maximum sign area of 400 sq. ft.
- [3] See 63.224 Subd. 5 (G) for restrictions on the location of advertising signs.
- [4] See 63.226 Subd. 6 for specific standards covering church and school signs.

63.226 **Detailed Sign Regulations:** Subdivision 1. This section contains the regulations applicable to the detailed sign types identified in section 63.222(2).

Subd. 2. **Auxiliary Signs:** The table in section 63.225 specifies the amount of area which may be devoted to auxiliary signs in any development. This amount of sign area is in addition to the primary sign area permitted for a development.

Subd. 3. **Development Signs for Non-Residential Development:**

- A. One development identification sign is permitted along each collector or higher-level street on which a development has frontage. If the development has more than 600 feet of frontage on an arterial or higher level street, a development identification sign is permitted at each point of public street access into the area or at each major private access. Where a development has frontage only on local streets, one development identification sign is permitted for the project.
- B. A development identification sign shall be limited to no more than eight feet in height above the natural grade, with the exception that when the width of the sign is less than 20 percent of its height, the sign may be up to 25 feet in height.
- C. The maximum permitted area of a development identification sign is determined by the following table:

TYPE OF LIGHTING	BASE AREA	ADDITIONAL PERMITTED AREA
<b>General</b>	<b>60 sq. ft.</b>	<b>10 sq. ft.</b> For every 50' of freeway or expressway frontage, 75' of arterial frontage, or 100' of collector frontage over 500 feet.
<b>Backlight or Spot Light</b>	<b>50 sq. ft.</b>	<b>8 sq.ft.</b> For every 50' of freeway or expressway frontage, 75' of arterial frontage, or 100' of collector frontage .
<b>Internal</b>	<b>32 sq. ft.</b>	<b>5 sq. ft.</b> For every 50' of freeway or expressway frontage, 75' of arterial frontage, or 100' of collector frontage over 500 feet.

- D. Each sign and each supporting structure must be located on a private easement, joint or otherwise, that is recorded unless the sign is placed on land that is part of a common interest community and on an outlot. A copy of the recorded easement must be provided to the zoning administrator with the zoning certificate application. A long-term maintenance document must be presented with the zoning certificate application. This document must be recorded. The document must identify the person, organization, corporation, business or property owner that will be responsible for the care and maintenance of the signs and for the cost of electricity if the signs are lighted. The zoning certificate application must be denied when the applicant does not submit a signed long-term maintenance document.

Subd. 4. **Development Signs for Residential Development:**

- A. Development signs for development in residential zoning districts must meet the requirements of this section. The development sign must meet the sign size requirement as specified in the applicable zoning district standards. Where no Sign Type standard is identified for the use in the district, a Sign Type “A” must be used to establish the sign size, height, and lighting standards applicable in a residential zoning district. Where a Sign Type is identified in the applicable district for the development the standards for sign size, height, and lighting must be adhered to.
- B. If a residential development has frontage on more than one collector or higher level street, as identified on the Thoroughfare Plan, one development sign is permitted along each collector or higher level street on which a development has frontage. Where a development has frontage only on local streets, one development identification sign is permitted for the project. At each permitted development sign location, two signs may be permitted, one on each side of the street accessing the development. The two signs combined must not exceed the sign size permitted by the Sign Type. Sign height must not exceed that allowable for the Sign Type.
- C. Each sign and each supporting structure must be located on a private easement, joint or otherwise, that is recorded unless the sign is placed on land that is part of a common interest community and on an outlot. A copy of the recorded easement must be provided to the zoning administrator with the zoning certificate application. A long-term maintenance document must be presented with the zoning certificate application. This document must be recorded. The document must identify the person, organization, corporation, business or property owner that will be responsible for the care and maintenance of the signs and for the cost of electricity if the signs are lighted. The zoning certificate application must be denied when the applicant does not submit a signed long-term maintenance document.

- D. Development signs must not be constructed in a utility or drainage easement or traffic visibility zone. Development signs must meet all other requirements of this ordinance.
- E. Development signs shall be constructed of low maintenance, durable materials that maintain appearance over a long period of time. Construction materials may include concrete, colored concrete, brick, stone, unpainted or uncoated naturally weather-resistant metals such as stainless or oxidized steel, titanium, copper, bronze, pewter, etc., structural glass, weather-resistant exterior rated solid wood product or a combination of these or similar materials.

Subd. 5. **Construction Signs:** Construction signs for residential developments are permitted according to the same regulation as development identification signs. Construction signs for nonresidential development shall conform to the regulations for free standing signs applicable to the use under construction. Construction signs are considered temporary signs and do not require a sign permit.

Subd. 6. **School and Church Signs:** All standards in this section must be met to permit a sign with internal lighting.

- A. Signs shall have a maximum area of no more than 24 square feet. The sign area shall be calculated as specified in section 63.223(A).
- B. The permitted maximum height shall be no more than six feet.
- C. Light standard "R", under luminaire with no cutoff, section 63.213(1) shall be applied to all internally lighted signs.
- D. The sign must be set back from all lot lines a minimum of four feet. No sign shall be permitted to be located in a utility or drainage easement.
- E. The sign must be located adjacent to the main vehicle entrance or building entrance. The sign must be set back from side lot lines the same distance required for the principal building.
- F. Neon light shall not be permitted lighting for schools or churches.
- G. Flashing signs shall not be permitted.

Subd. 7. **Marquee or Sun Canopy:**

- A. No sign affixed to or an integral part of a marquee shall be less than eight feet above any sidewalk level or its equivalent in the absence of sidewalk installation. Marquees shall be permitted an area up to double that permitted for free standing signs, provided that the increase in area above that allowed for free standing

signs is matched by a reduction in the area of other permitted primary signs.

- B. Only that portion of a sun canopy which is utilized for the purpose of transmitting a message by way of words, letters, figures or logo/symbols instead of designs shall be counted as sign area, according to the rules in section 63.223(A)(3). The area shall count against permitted wall sign area, but the sun canopy shall not count against the permitted number of primary signs.

Subd. 8. **Service Canopy:** A service canopy is permitted where outdoor customer service areas are provided. Fifty percent of the facade may be used for signage devoted to business advertising; product advertising is not permitted.

Subd. 9. **Portable Signs and Changeable Message Signs Which Are Portable:** Portable signs as defined in section 63.222 (2), (e) and changeable message signs as defined in Section 63.222 (2), (f) which are portable, are permitted in the B-4, M-1, M-2, Central Development Core/Central Business District and Central Development Core/ Fringe District. These signs may take the form of a wall sign or free standing sign and require a sign permit. The signs shall also comply with the regulations listed below:

- A. Such signs shall not exceed twenty-four square feet in area and four feet in height.
- B. Such signs, when authorized by a sign permit, shall be allowed for a period not to exceed fourteen days in any twelve-month period. The signs shall be removed within two days of the completion of the event or sale they are advertising. Once the sign permit expires, no additional permits for such signs will be issued for the property in the twelve-month period.
- C. Portable signs shall not be located in any public right-of-way, shall not block any traffic visibility zone, and shall meet all other applicable criteria listed in section 63.224.

Subd. 10. **NOVELTY SIGN:** Any portable sign with a structure designed, in whole, to resemble an animal or other character figure and which includes a changeable message sign, either as an integral part of the structure or attached to the structure in some manner. Such signs are usually transported by means of a trailer. Such signs may not exceed an overall height of twelve feet, measured from the adjacent grade and including the transporting structure. The message area on the sign may not exceed twenty-four square feet in area. Such signs are also subject to the provisions in section 63.226 (H), (2), (3), except that novelty signs may also be permitted in the public right-of-way upon written approval of the City Engineer.

63.2261 **Outdoor Community Information and Public Events Screen:** Subdivision 1. The intent of this section is to establish standards for the use of an Outdoor Community Information and Public Events Screen.

Subd. 2. The Outdoor Community Information and Public Events Screen will not be included in the calculations of maximum sign area for wall signs allowed by Section 63.224.

Subd. 3. Display and Operating Standards. The Outdoor Community Information and Public Events Screen:

- A. shall be attached only to the wall of a building located adjacent to a public park, open space, or plaza under the ownership and management of the City of Rochester or State of Minnesota;
- B. shall not exceed the a size of 300 square feet or 20 percent of the façade, whichever is smaller;
- C. shall have a height limit of 40 feet, shall not extend above the wall of the building to which it is attached and shall not exceed the height of the adjacent buildings;
- D. shall not be oriented perpendicular to and located closer than 100 feet to the adjacent streets, and be visible primarily from the public park, open space, or plaza;
- E. shall only operate between the hours of 7 a.m. to 9 p.m., with the exception of scheduled public events;
- F. shall receive sound amplification permits from the city council for events requiring the use of the sound system;
- G. shall be equipped with a dimmer control that automatically adjusts day/night brightness. The applicant shall provide written certification from the equipment manufacturer that the sign is so equipped;
- H. shall be used primarily for community events. No more than 15 minutes per hour of operation may be used for commercial messages of businesses located within the building to which the screen is attached or for off-premise business messages; and
- I. shall remain in a proper state of repair and operational. If the screen is abandoned, inoperable or unused for a period of 90 days or more, the owner of the property to which the sign affixed shall return the screen to its intended use or remove the screen from the building.

63.227 **Business Centers:** Subdivision 1. With the exception of uses in the B-5 Residential Commercial Zoning District, each individual tenant within a business center is permitted one wall business sign per primary façade not to exceed 20% of the area of the façade and meeting the requirements of the zoning district and Section 63.225. One wall business sign per secondary façade is permitted not to exceed 20% of the area of the façade and meeting the following requirements:

- A. Wall signs are not permitted on secondary walls that face a residential zoning district unless separated by an existing expressway or freeway according to the adopted Thoroughfare Plan;
- B. The wall sign must face and be visible from a commercial collector or higher level street or the parking lot serving the business center; and
- C. A total of two wall business signs may be permitted per tenant within a business center.

Subd. 2. In addition, one freestanding sign meeting the regulations of the underlying zoning district is permitted at each entrance to the center. In the B-5 Residential Commercial Zoning District, each tenant is permitted one wall sign meeting the sign standard of the use type in that district. In addition, one freestanding sign meeting the regulations of the underlying zoning district is permitted at each entrance to the center.

63.228 **Scope:** These sign regulations shall govern all signs located in the city to the extent no preempted by the requirements set forth in the Minnesota Outdoor Advertising Control Act, Minn. Stat. 173.01 et. seq. and the Federal Highway Beautification Act, 23 U.S.C. 131 et. seq. governing the control and regulation of outdoor advertising signs along state and federal highways.

63.229 **Business Parks:**

Subdivision 1. Each individual business within a business park is permitted one wall business sign per structure side, the total area of which shall not exceed 200 square feet and of which no individual sign shall exceed 100 square feet. Wall signs are not permitted on secondary walls that face a residential zoning district unless separated by an existing expressway or freeway according to the adopted Thoroughfare Plan. The wall sign must face and be visible from a commercial collector, a higher level street or a shared parking lot serving the business park.

Subd. 2. In addition to the sign permitted by subdivision 1, one freestanding sign not exceeding eight feet in height and 50 square feet in area located outside of the traffic visibility zone is permitted for each business within a business park. The sign may have general, internal or backlit illumination.

Subd. 3. In addition to the signs permitted by subdivisions 1 and 2, one freestanding sign of up to 50 square feet in area and up to 25 feet in height is permitted at each entrance to the center accessing a collector or higher level street.

**63.230 LANDSCAPE AREA REDUCTION**

This ordinance permits the satisfaction of Landscape standards by the provision of Landscape Area, Landscape Material, or a combination of area and materials. The basic ordinance requirement is the minimum percentage of Landscape Area identified in the Zoning District Tables; this percentage may be reduced by the amount calculated in paragraph 63.232 through the introduction of landscape materials in the development.

63.231 **Landscape Policy:** The purpose of Landscape Area and Landscape Material is to provide aesthetic relief from on-site areas used for buildings or vehicle movement and parking. It is the policy of the City that Landscape Area and materials shall be used to provide separation or visual relief for the primary living areas or primary views of adjacent residential uses and for users of the public right-of-ways from on-site parking areas and building foundations and walls.

63.232 **Calculation of Landscape Area Reduction:** The minimum required Landscape Area on a site may be reduced by the provision of Landscape Materials according to the following formula:

**1) Identify Base Information:**

- a) What is minimum required % of landscape area for development (from Zoning District Tables)? \_\_\_\_\_
- b) What is landscape material point base standard (Found in Zoning District Table)? \_\_\_\_\_
- c) What is the building perimeter? \_\_\_\_\_
- d) Determine landscape area reduction factor (factor is 3% for first 300 feet of building perimeter plus 0.1% for each additional 50 feet of perimeter over 300 feet up to a maximum of 5%) \_\_\_\_\_

**2) Determine Landscape Material Factor**

- a) Take building perimeter (from item 1-c) \_\_\_\_\_
- b) Divide by 300 divided by 300
- c) Equals perimeter factor = \_\_\_\_\_
- d) Take Landscape Material Point Base Standard (From Item 1-b) \_\_\_\_\_
- e) Multiply by Perimeter Factor (From Item 2-c) \_\_\_\_\_
- f) Landscape Material Factor \_\_\_\_\_

**3) Determine Number of Proposed Landscape Material Points**

- a) Canopy Trees to be Provided by Development  
Multiply (proposed # of canopy trees) x 1.5 = \_\_\_\_\_
- b) Understory Trees to be Provided by Development  
Multiply (proposed # of understory trees) x 1.0 = \_\_\_\_\_
- c) Shrubs to be Provided by Development  
Multiply (proposed # of shrubs) x 0.5 = \_\_\_\_\_

Determine Total Proposed Landscape Material Points  
Add (3a) + (3b) + (3c) = \_\_\_\_\_

**4) Determine Landscape Area Reduction Multiplier**

Take Total Landscape Material Points (from item 3-d) \_\_\_\_\_

a) Divide by Landscape Material Factor (from item 2-f) \_\_\_\_\_

b) Equals Landscape Area Reduction Multiplier \_\_\_\_\_

**5) Determine Permissible Reduction in Landscape Area**

a) Take Landscape Area Reduction Multiplier (from item 4-c) \_\_\_\_\_

b) Multiply by Landscape Area Reduction Factor  
(from item 1-d) \_\_\_\_\_

c) Equals Allowable Reduction in Landscape Area with Proposed  
Materials \_\_\_\_\_

Note: Subtract (5-c) from (1-a) to determine minimum percentage of landscaping area required.

63.233 Landscape materials may be planted within the public right-of-way if permission is obtained from the road authority. Materials which are part of a required bufferyard may not be applied to Landscape Area Reduction calculation. Landscape area may be partially within a public right of way as provided for in paragraph 60.424 Subd. 3.

**63.240 EXTERIOR STORAGE STANDARDS**

This section describes the exterior storage standards (R,A,B,S,T,V) identified in the Zoning District Tables of Chapter 62 for each type of permitted or conditional use. (Additional exterior storage regulations for certain uses may be found in the detailed use regulations of each zoning district, and regulations for recreational vehicles are found in paragraph 62.278(9).

63.241 **Purpose:** The purpose of these regulations is to regulate the visual effect that uncontrolled storage of trash, merchandise, materials or equipment can have when viewed from adjacent properties or adjacent public right-of-ways.

63.242 **Standards:** The exterior storage standards are as follows:

- 1) **Exterior Storage Standard “R”:** All materials, machinery and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following when kept in good order; laundry drying and minor recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural materials and equipment, if intended for use on the property; off-street parking of passenger vehicles and pickup trucks, and the storage of firewood. All waste, debris or garbage shall be kept in an enclosed building or closed container designed for such purpose.

- 2) **Exterior Storage Standard “A”:** There shall be no external storage or display of any goods, vehicles or equipment, except for construction or landscaping equipment and materials currently being used on the premises.
- 3) **Exterior Storage Standard “B”:** All activities shall be within a completely enclosed building, except that display of merchandise, vehicles or equipment in the buildable area or extending five feet into the required front yard is permitted. Displays of merchandise shall be housed in racks or containers designed for such purpose. Displays extending more than five feet in front of the building or into any setback area are permitted only upon the issuance of a Type II Conditional Use Permit.
- 4) **Exterior Storage Standard “S”:** Storage of materials, vehicles and other equipment associated with the operation of a business may be accommodated outside of a building or structure. The amount of area devoted to exterior storage shall not exceed the percentage listed in the Zoning District Tables of Chapter 62, and such storage shall only be permitted in the side or rear yards, outside of any required bufferyard area, and controlled by bumper stops or other means so as not to cross over the lot line.
- 5) **Exterior Storage Standard “T”:** Trash Storage shall be accommodated within structure, or adequate outside area shall be set aside for such trash storage and indicated as such on the site plan. All outdoor storage or containers shall be placed on a hard surface such as concrete and shall be aesthetically screened by a permanent fence, wall or landscaping from adjacent properties and right-of-ways.
- 6) **Exterior Storage Standard “V”:** The display of vehicles and implements for sale is permitted within the front yard or side street side yard and within five feet of all other lot lines. The display shall not interfere with the clear vision requirements of Section 63.500, and bumper stops or other measures shall be provided to keep the vehicles from encroaching into the public right-of-way.

### 63.250 SITE LOCATION STANDARDS

This section describes the site location criteria identified in the Zoning District Tables of Chapter 62 for specific types of permitted or conditional use.

63.251 **Purpose:** Certain types of uses are found to be acceptable within given zoning districts only at certain sites which exhibit locational characteristics unique to the needs of the given use or site which are less desirable to develop and thus are granted more latitude in development options, or which, while being compatible with the predominant land uses permitted in the underlying zoning district, have traffic generation characteristics of a different nature which require special consideration in locating the use. The purpose of this section is to identify those locational restrictions necessary for certain types of permitted or conditional uses which will insure their compatibility with surrounding land uses.

63.252 **Standards:** Subdivision 1. The Site Location Standards are provided in subdivision 2 of this section.

Subd. 2. Site location standards

- A. **Site Location “A”**: In an Established Zoning District, uses may locate at the intersection of a collector street and a higher order street (street classifications are based on the Thoroughfare Plan) or at the intersection of two higher order streets. In the Developing District, uses may locate at the intersection of a major local street and a higher order street or at the intersection of two higher order streets.
- B. **Site Location “B”**: A single family detached dwelling may be converted to a duplex in the R-2 or R-1x Districts in any of the following circumstance:
1. Where the dwelling is 40 years or older, in excess of 1, 500 square feet in size and on a lot over 7,200 square feet in size. (Not applicable in the CN-NR district. See section 62.491 for regulations on the potential conversion of a single family dwelling to a duplex.)
  2. Where each of the lots adjoining an existing lot on the side (or in the case of a corner lot the side and rear) is occupied by a duplex, multifamily dwelling or other use not permitted in the underlying zoning district.
  3. Where the lot has direct access to a freeway, expressway or arterial as designated on the Thoroughfare Plan, or to a frontage road contiguous to a freeway, expressway or arterial.
- A new duplex on an existing lot of record that may or may not meet the minimum area and width requirements may also be constructed in the R-2, R-1x, or CN-NR District where the site satisfies either paragraph (2) or (3) above.
- C. **Site Location “C”**: The use shall be located at the intersection of two arterial or higher order streets in an R-Sa, R-1, CN-NR, R-1x, R-2, or R-3 District.
- D. **Site Location “D”**: Uses shall only be permitted to take access off of a major local or higher order streets.
- E. **Site Location “E”**: Uses shall be located so as not to take access from or channel a majority of the traffic generated by the use onto a limited local or local residential street. If access to the site is to be provided from a frontage road, the frontage road must be a through road, or, if a dead end, its intersection must be with a nonresidential street or a collector or higher order street as defined by the Thoroughfare Plan.
- F. **Site Location “F”**: Uses shall not take access to any major local or collector street where access to the site from the primary street system (arterials, expressways and freeways) by way of the collector or major local results in traffic passing through a residential area.
- G. **Site Location “G”**: Nonresidential uses shall be permitted only under the following conditions (1) when the proposed use abuts an existing nonresidential use along a side property line, or (2) the side yard of the proposed use abuts the rear yard of an existing nonresidential use, or (3) the proposed site is a corner lot with direct access to an arterial or expressway. Access to the site shall be provided by a street which provides direct access to an arterial or higher order street without encouraging traffic past areas of existing residential development.

- H. **Site Location “H”**: In order to avoid the potential negative impact of residential facilities on a neighborhood, no two Type II or Type III facilities may locate within one-quarter mile of each other. An exception may be made if the two facilities are separated by a physical barrier such as an arterial street, nonresidential zoning, or topographical features that could mitigate the need for separating such facilities. In such instances the request for a zoning certificate shall be processed as a Type II use.
- I. **Site Location “I”**: All adult entertainment uses shall be located not less than 750 feet from any residential district boundary, church, school or youth facility. In addition, no adult entertainment establishment shall locate within 750 feet of another adult entertainment use. For the purposes of this Chapter this distance shall be a horizontal measurement from the nearest district boundary or lot line of a church, school, youth facility or another adult entertainment use to the nearest point on the lot line of the lot where the adult entertainment use is proposed.
- J. **Site Location “J”**: The site provides direct access to a collector, arterial or expressway.
- K. **Site Location “K”**: The portions of the lot or parcel on which the day care center is situated is located 300 feet or more from any heavy industrial use identified in section 62.146 (1), or above ground storage of flammable, hazardous or poisonous gases, liquids or materials. The day care center may be an internal part of, attached to, or free standing from the structure housing the principal use on the lot or parcel.
- L. **Site Location “L”**: Uses shall be located not less than 1,320 feet from another parking facility use.

63.253 **Temporary Access**: An applicant shall not be denied a zoning certificate where the site location requirements cannot be met because adjoining segments of planned street are not yet constructed. In such instances, the zoning administrator may approve temporary access to another street which shall expire when the access required by this article becomes available for use.

### 63.260 **BUFFERYARD REGULATIONS**

Bufferyards shall be required to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas, and to provide spacing between uses so as to reduce the adverse impacts of noise and odor. Provision of bufferyards shall be the responsibility of the more intensive use, and shall be required at the time of development. It is the responsibility of the landowner to maintain the bufferyard in a condition consistent with the approved plan. Failure to maintain the bufferyard and its components in a condition consistent with the approved plan shall be a misdemeanor.

63.261 Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private right-of-way, unless otherwise specified by this ordinance.

**63.262 Bufferyards in Established Districts:** Subdivision 1. When a change of use is proposed on lands which were in an established district on the effective date of the ordinance, bufferyards shall only be required if the development involves a new use with a higher bufferyard indicator than the previously existing use. If the bufferyard is to be provided along a lot line separating the lot from an alley right-of-way a minimum of ten feet in width, the development will be exempt from the distance requirements of this section, but the plant material required shall be integrated into the site layout between the lot line and the façade of the building.

Subd. 2. Minor reconstruction or remodeling of an existing use shall not require the provision of bufferyards as a condition of zoning certificate approval. Expansion or major reconstruction of an existing use are treated in the same manner as a change in use subject to the regulations of Section 65.710.

Subd. 3. Boulevard tree planting as required by the S1 standard shall be determined by the requirements of section 64.160

**63.263 Determination of Bufferyard Requirements:** This section provides the procedure to be followed in determining the bufferyard that is required by this ordinance depending upon the different types of land use.

Subdivision 1. To determine the type of bufferyard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:

- A. Identify the bufferyard indicator of the proposed use by referring to the zoning district tables found in Chapter 62.
- B. Identify the land use adjacent to the proposed use by on-site survey.
- C. Identify the bufferyard indicator of all adjoining land uses by referring to the zoning district tables in Chapter 62.
- D. Staff will provide the classification of adjacent streets based on the Thoroughfare Plan classification of streets.
- E. Determine the bufferyard required along each boundary (or segment thereof) by referring to the table in Section 63.264.

Subd. 2. The table in Section 63.264 specifies the class of bufferyard to be provided along each boundary. The classes of bufferyard are further described in the table found at Section 63.265. Any of the options specified in Section 63.265 for a given bufferyard class shall satisfy the requirements of this ordinance. Plan material sizes and specifications are detailed in Section 63.150

Subd. 3. Existing plant material located on the property may be counted as contributing to the bufferyard requirement if, in the opinion of the zoning administrator, the material is of such character so as to provide a similar buffering effect as the materials which normally would be required by this Code.

Subd. 4. Bufferyard requirements may be waived where:

- A. Adjacent lots are developed with an existing buffer satisfying the intent of this section;
- B. The adjacent area of an abutting non-residential lot is a rear yard used as a parking area; or
- C. Boulevard trees have been established prior to the application for a final plat, other development approval or zoning certificate that meet the required number of boulevard trees established in Section 63.265. The existing trees do not have to meet the minimum required spacing specified in Section 63.265, Subdivision 5, in order to comply with the provisions of the ordinance.

63.264 The letter designations contained in this table identify a class of bufferyard which is then further defined in Section 63.265. An asterisk (\*) identifies that no buffer is required between the adjacent land uses.

**SECTION 63.264 TABLE OF BUFFERYARD REQUIREMENTS**

NOTE: See Section 63.263 for Directions on Determining Bufferyards

\* Indicates That No Bufferyard is Required

See Section 63.265 for a Definition of the Bufferyard Types

	BUFFERYARD INDICATOR	PROPOSED LAND USE										
		I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Adjacent Developed Land	I	*	C	D	E	E	F	G	H	I	J	K
	II	*	*	C	D	D	E	F	G	H	J	K
	III	*	*	*	C	D	D	E	F	G	J	K
	IV	*	*	*	*	D	D	E	F	G	J	K
	V	*	*	*	*	*	C	D	E	E	H	I
	VI	*	*	*	*	*	*	*	E	D	H	I
	VII	*	*	*	*	*	*	*	*	C	C	I
	VIII	*	*	*	*	*	*	*	*	*	B	G
	IX	*	*	*	*	*	*	*	*	*	*	F
	X	*	*	*	*	*	*	*	*	*	*	*
	XI	*	*	*	*	*	*	*	*	*	*	*
Zoning or Land Use Plan Designation of Adjacent Vacant Land or Non-Conforming Use, if in the Same District	R-1, CN-NR, R-1x, or R-2 District or Low Density Residential Designation	*	B	C	D	E	F	F	G	H	J	K
	R-2x or R-3 District or Medium Density Residential Designation	*	*	A	A	C	D	D	E	F	J	K
	R-4 District or Permanent Public Open Space	*	*	*	*	*	*	B	C	D	J	K
	B-1 or B-5 District	*	*	*	*	*	*	*	*	B	F	H
	MRD District	*	*	*	*	*	*	*	*	*	F	I
	M-1, M-3, or B-4 District or Commercial or Light Industrial Designation	*	*	*	*	*	*	*	*	A	F	G
	M-2 District or Industrial Designation	*	*	*	*	*	*	*	*	*	*	*
Adjacent Road Classification **	Freeway or Expressway	S1	S1/D	S1/C	S1/B	S1	S1	S1	S1	S1	S1	S1
	Arterial	S1	S1/D	S1/C	S1/B	S1	S1	S1	S1	S1	S1	S1
	Collector or Non-Res. Local	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1
	Residential Major Local	S1	S1	S1	S1	S1	S1/B	S1/C	S1/D	S/E	S1/F	S1/G
	Res. Local or Limited Local	S1	S1	S1	S1	S1	S1/B	S1/C	S1/D	S1/E	S1/F	S1/G

NOTE: Where two bufferyard requirements are listed both apply.

\*\*The standard does not apply to Freeways.

**63.265 Definition of Bufferyard Types:** Subdivision 1. Section 63.264 defines the permissible options available in each bufferyard class. Bufferyard requirements are stated in terms of a width and the number of canopy trees, understory trees and shrubs to be provided per 100 linear feet of bufferyard. Section 63.150 specifies the size of plant materials to be used in a bufferyard. Whenever a wall, fence or berm is required in a bufferyard, these are listed as a “structure required” in section 63.264. The specifications for such structures are illustrated on the page following section 63.265.

Subd. 2. Whenever a wall is required in addition to a berm and plantings, the wall must be located between the berm and plantings, and the higher intensity use on the adjacent lot in order to provide maximum noise reduction. The wall must be located within two feet of the bufferyard line determined by the bufferyard width adjacent to the higher intensity use unless located within an easement.

Subd. 3. Whenever a fence is required in addition to vegetative plantings, the fence must be located between the plantings and the higher intensity use on the adjacent lot in order to provide for adequate space for plantings, and improve screening and noise reduction. The fence must be located within two feet of the bufferyard line determined by the bufferyard width adjacent to the higher intensity use unless located within an easement.

Subd. 4. If the development on adjoining parcels is deed restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

Subd. 5. Except as provided in subdivision 6, the required number of boulevard trees shall be determined based on the length of frontage as specified in this subdivision. The measurement of frontage shall not include boulevard area that abuts city parkland within residential development, or areas determined by the Road Authority Engineer to be unavailable for boulevard tree planting due to Road Authority policy. The planting distance is an average distance that will be used to calculate the total number of boulevard trees for the development under review.

- A. For residential districts R-Sa, R-1, R-1x, R-2, R-2x one tree for every 50 feet of frontage.
- B. For residential districts SD, CDC-Res, R-3, R-4, one tree for every 35 feet of frontage.
- C. For nonresidential districts, the required number of trees is equal to the total street frontage divided by 35 feet.

Planting locations for individual trees and separation distances will be determined in part by site characteristics, the guidelines established in the Park and Recreation Department Policy on Boulevard Tree Placement and for Standards Associated with New Commercial Buildings with New Business Signs, and the determination of the Park and Recreation Director or designee. Credit will be given for existing boulevard trees as determined by the Park and Recreation Director or designee.

Subd. 6. The Park and Recreation Director or designee may reduce the number of boulevard trees if adopted city boulevard tree placement policies do not permit boulevard trees to be planted. The Park and Recreation Director or designee shall first apply the standards of section 64.160, subd. 3(E)(1),(2),(3) prior to allowing a proportionate reduction in the number of boulevard trees that are required by this section.

Subd. 7. Boulevard trees on residential through lots and lots abutting alleys, as defined, boulevard trees shall be required only on the street that provides direct access or adjacent to the front lot line.

Subd. 8. Refer to section 63.265, subd. 5, and section 64.160 for boulevard tree planting standards in all zoning districts except as noted in this section. Within the CDC-CBD, CDC-Medical, and CDC-Fringe, the following provision applies:

- A. Where an existing boulevard includes unpaved landscape area with suitable soils and depth as determined by the Park and Recreation Director or designee boulevard trees shall be planted based on the standards of section 63.2656, subd. 5 and the Policy on Boulevard Tree Placement and for Standards Associated with New Commercial Buildings with New Business Signs.
- B. Soil improvement shall be required at the same spacing as required for trees in section 63.265, subd. 5 where the boulevard is paved. Soil improvement will consist of CU-structural Soil, Deep Root Cells or other soil improvement acceptable to the Park and Recreation Director or designee. The location, depth and size of the areas will be determined by the city.
- C. Within the CDC, the developer or property owner shall supply the Park and Recreation Director or designee and Public Works Department with construction plan indicating the location, depth, size of areas of soil improvement.
- D. Soil improvement or tree planting within the CDC will be required under the following conditions:
  - (1) New construction of structures or buildings including parking facilities on the development site.
  - (2) Development that requires the replacement of sidewalk on the adjacent boulevard.
  - (3) When any site or building improvement or addition including demolition costs equals or exceeds 25 percent of the market value as determined by the Olmsted County Assessor's records.
  - (4) For any property covered by a development agreement that requires soil improvement or tree planting.

- E. A “payment in lieu” will be required where there is a reduction in the number of trees or planting spaces for the development project. This provision does not apply where the road authority determines that boulevard trees will not be permitted. The payment shall be as determined by section 64.160 sub. (2)(J).

**PARAGRAPH 63.265 DEFINITION OF BUFFERYARD OPTIONS**

(Requirements are per 100' of distance)

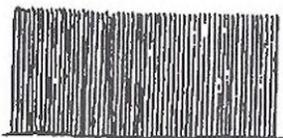
NOTE: See Following Page for Illustration of Structures

BUFFERYARD CLASS	WIDTH	CANOPY PLANTINGS	UNDERSTORY PLANTINGS	SHRUBS	STRUCTURES	NOTES	
<b>A</b>	5'	1.0	1.0	0.0		In Bufferyards A, B, and C a structure equal or exceeding F1 may be substituted for understory plantings.	
	10'	0.0	1.0	0.0			
<b>B</b>	10'	1.0	2.0	0.0			
	15'	0.8	1.6	0.0			
	20'	0.6	1.2	0.0			
<b>C</b>	10'	1.0	2.0	3.0			
	15'	0.8	1.6	2.4			
	20'	0.6	1.2	1.8			
<b>D</b>	10'	2.5	5.0	8.0		In Bufferyards D and E a structure equal or exceeding F2 may be substituted for 5 understory plantings.	
	15'	2.0	4.0	6.0			
	20'	1.6	3.2	4.8			
	25'	1.2	2.4	3.6			
<b>E</b>	10'	2.7	5.4	8.0	F1		
	20'	3.0	6.0	9.0			
	25'	2.4	4.8	7.2			
	30'	1.8	3.6	5.4			
<b>F</b>	10'	3.0	6.0	8.5	F2 or B1		Fences may be constructed of overlapping boards that allow wind penetration but not visual penetration.
	15'	4.5	9.0	13.5	F1		
	20'	5.0	10.0	15.0			
	25'	4.0	8.0	12.0			
	30'	3.0	6.0	9.0			
<b>G</b>	15'	2.8	4.2	14.0	F3 or B2	In Bufferyards F through I a structure of the next highest class may be substituted for 5 required understory plantings.	
	20'	3.0	3.15	15.0	F2 or B1		
	25'	4.0	6.0	20.0			
	30'	3.2	4.8	16.0			
<b>H</b>	20'	3.0	4.5	18.0	BW1 or B3		
	30'	5.0	7.5	30.0	B2 or F3		
	40'	4.0	6.0	24.0	B1 or F2		
<b>I</b>	30'	4.8	7.2	28.8	BW1 or B3		
	40'	6.4	9.6	38.4	B3 or F3		
	50'	8.0	12.0	48.0	B2 or F2		
	75'	6.4	9.6	38.4	B1 or F2		
<b>J</b> When Adjacent To: Class I-IV Use	500'	10.0	10.0	16.0		Canopy planting shall be evergreens, all plantings shall be within 50' of the property line.	
<b>Class V-VI Use</b>	100'	8.0	8.0	12.0			
<b>Class VII-IX Use</b>	50'	7.0	7.0	10.0			
<b>K</b> When Adjacent To: Class I-IV Use	1000'	10.0	10.0	16.0		Canopy planting shall be evergreens, all plantings shall be within 50' of the property line.	
<b>Class V-VI Use</b>	500'	8.0	8.0	12.0			
<b>Class VII-IX Use</b>	200'	7.0	7.0	10.0			
<b>S1</b>	0	**	0	0		Canopy planting shall be within the boulevard of right-of-way.	

\*\* Refer to section 63.265, subd. 8 for tree planting requirements within the CDC-CBD, CDC-Medical, and CDC-Fringe districts.

**Paragraph 63.265 (continued)  
 DEFINITION OF BUFFERYARD TYPES  
 ILLUSTRATION OF FENCE AND BERM OPTIONS**

**Fences**

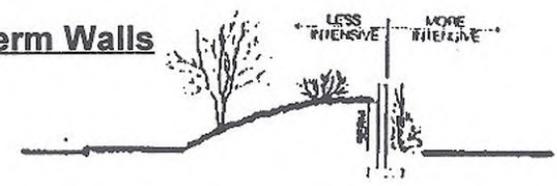
<u>Symbol</u>	<u>Height</u>	<u>Material</u>
F1	4'	 Wood Picket
F2	6'	 Wood Stockade
F3	8'	

**Berm**



<u>Symbol</u>	<u>Height</u>	<u>Material</u>
B1	4'	Earth
B2	5'	Earth
B3	6'	Earth

**Berm Walls**



<u>Symbol</u>	<u>Height</u>
BW1	4' Berm with 6' Masonry

63.266 **Use of Bufferyards:** Subdivision 1. A bufferyard may be used for passive recreation. It may contain pedestrian and bike trails, seating areas, stormwater facilities or landscape features provided that:

- A. All plant material is planted within the bufferyard; and
- B. The total width of the bufferyard is maintained.

Subd. 2. The following uses and structures are not permitted in a bufferyard:

- A. Active recreation space including fields, rinks, pools and related facilities;
- B. Exterior light sources;
- C. Trash storage facilities;
- D. Bicycle parking;
- E. Utility boxes;
- F. Security fencing;
- G. Curbing;
- H. Parking that allows overhang by vehicles; and
- I. Solar Collection Systems and Wind Energy Conversion Systems.

Subd. 3. Berms, landscape walls, fencing and landscaping may not be located within a drainage or utility easement unless the design and location are approved by the City through a revocable permit.

63.267 **Ownership of Bufferyards:** Bufferyards may remain in the ownership of the original developer (and assigns) of a land use, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve district (the City of Rochester) or an open-space or conservation group, provided that any such conveyance adequately guarantees the protection and maintenance of the bufferyard for its intended purpose.

63.268 **Excess Bufferyard:** Where the bufferyard between a land use and vacant land turns out to be greater than the bufferyard which is required between the first use and the subsequently developed use, the existing use may expand its use into the original buffer area. However, the reduced bufferyard that this ordinance requires between the two uses shall be maintained according to the regulations of this ordinance.

63.269 **Contractual Reduction of Bufferyard Abutting Vacant Land:** When a land use is proposed adjacent to vacant land and the owner of that vacant land enters into a contractual relationship with the owner of the land that is to be developed first, a reduced buffer may be provided by that first use, provided that.

- A. The contract contains a statement by the owner of the vacant land of an intent to develop with uses no greater than a specified bufferyard indicator class; and,
- B. The contract contains an agreement by the vacant landowner to assume all responsibility for the additional bufferyard needed if that vacant lot is substantially developed with a less intense use than had been agreed upon and thus a greater bufferyard would normally be required.
- C. The contract is recorded in the County Recorder's Office. All site plans and zoning certificates submitted for review and action by the City must show the bufferyard required for both properties.

## 63.270 PEDESTRIAN AND SITE DESIGN STANDARDS

The provisions of this Chapter have the following purposes:

Subdivision 1. Ensure that each development is designed to be pedestrian friendly by incorporating convenient pedestrian access and circulation throughout the proposed development and to and from surrounding areas.

Subd. 2. Create a healthful built environment in which individuals have opportunities to incorporate physical activity, such as walking, into their daily routine.

Subd. 3. Create an environment where the risk of pedestrian injuries or fatalities is minimized through the application of appropriate development design standards.

**63.271 Pedestrian Walkways:** Subdivision 1. Developments should be designed to be pedestrian friendly and shall incorporate convenient and safe pedestrian access and circulation into the site according to the following principles:

Subd. 2. Walkways shall be provided to connect all public building entrances to public sidewalks or trails adjacent to the site, and shall be designed to provide convenient access to the nearest transit stops. Entrances used for loading or unloading freight are not subject to this standard. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration unless such a configuration allows for direct pedestrian access.

Subd. 3. A sidewalk shall be provided immediately adjacent to the exterior wall of a new building greater than 100 feet in length when the wall is located next to a street or parking lot. Exceptions to this include situations where the edge of the building is within 20 feet of a public sidewalk and the building entrance is connected to the public sidewalk by an on-site pedestrian facility, or if the edge of the building is bordered by a perimeter of landscaping that does not exceed 30 feet in width and an on-site pedestrian facility is constructed at the edge of the landscaped area.

Subd. 4. Where complete separation of movement of pedestrians from movement of vehicles and bicycles is not possible, the site plan shall minimize potential hazards by using special paving, grade separations, pavement marking, signs, striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas for both day and night use.

Subd. 5. Facilities should be designed to maximize pedestrian security, incorporating features such as good lighting that will illuminate crossings and/or create backlighting to make the pedestrian silhouette clearly visible, and clear sight lines including bushes no greater than two feet in height or tree branches lower than six feet in height. The diversion or location of primary access or circulation lanes away from the direct frontage of the building shall be considered to reduce pedestrian/vehicle conflict near building entrances.

Subd. 6. Walkways shall have a paved surface width of not less than five feet. The material and layout shall be continuous as the pedestrian access crosses driving lanes or aisles with a break in continuity of the driveway paving and not in the pedestrian walkway.

Subd. 7. Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, bicyclists, and people pushing strollers or carts. The location of curb cuts and ramps avoid crossing or directing traffic through loading areas, drive-in lanes, and solid waste storage and collection areas.

**63.272 Building Orientation and Building Façade:** Subdivision 1. Building orientation and facades shall be designed to promote pedestrian comfort and visual interest according to the following principles:

Subd. 2. The main entrance of any building shall be oriented to either a public or private street. The building orientation standard is met when the building is placed within the maximum setback established for the zone. The maximum setback may be exceeded if the area between the building and the street or private drive is landscaped or is an enhanced pedestrian space such as a plaza is provided. However, at least 50% of the street frontage of the site shall be occupied by building facades, with a maximum setback of 15 feet.

Subd. 3. Setback areas between a public or private street (excluding alleys) and the structure shall be occupied with pedestrian oriented space; Buildings located at street corners shall be designed to provide pedestrian-oriented space at the corner leading directly to a building entry or entries; Facades over fifty feet in length shall be divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines and/or other architectural treatments.

Subd. 4. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other visual device.

Subd. 5. The ground floor of a front commercial façade shall contain a minimum of 50 percent glass. Ground floor facades that face streets adjacent to the development site shall have arcades, colonnades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length.

Subd. 6. A Blank Wall which is visible from a public street, primary circulation lane, building entrance or pedestrian facility is prohibited. Buildings shall maintain a pedestrian scale and orientation at street level through use of storefronts, display windows, canopies, signs, etc.

Subd. 7. Developments shall provide pedestrian weather protection in public spaces such as transit stops, building entries, along display windows, and over outdoor dining areas. Specifically:

- A. Weather protection at least 5 feet deep is required over all primary building, individual business, and individual residence entries. This may include a recessed entry, canopy, porch, marquee, or building overhang;
- B. Canopies, awnings, or other similar weather protection features must not be higher than 15 feet above the ground elevation at the highest point or lower than 8 feet at the lowest point. The street-side edge of the canopy or awning shall be at least 8 feet above

the walking surface;

- C. Multi-tenant retail buildings must use a variety of weather protection features to emphasize individual storefronts and reduce the architectural scale of the building; and
- D. West and south exposures with plazas, patios, entries or pedestrian areas shall be designed with architectural and landscape shade elements.

Subd. 8. Screen the paved area of auto intense uses, such as service stations, convenience retail, parking facilities, and off-street parking areas, from streets and major public use areas with a 3-foot wall or a dense vegetative buffer.

Subd. 9. Entrance design elements: All primary and secondary customer entrances shall incorporate design elements to visually enhance such entries. Primary entries shall incorporate at least three of the elements listed below, in addition to the required weather protection; secondary customer entrances shall incorporate at least two of the following elements:

- A. Weather protection over the entry at least 5 feet wide in the form of awnings, marquees, canopies, or overhangs;
- B. Pedestrian-oriented space or designated outdoor eating areas;
- C. Fixed landscaping elements, including one of the following:
  - (1) Landscaped planter or fixed planter box; or
  - (2) A trellis or other similar architectural element that incorporates landscaping.
- D. Decorative pedestrian-scaled lighting fixture.
- E. Building details that highlight the entry and add visual interest.
- F. Other like features that meet the intent of the guidelines as determined by the Zoning Administrator.

**63.273 Medium Scale Developments and Buildings:** Subdivision 1. This section applies to developments over one acre in size and individual buildings in excess of 40,000 square feet.

Subd. 2. Sites shall be designed to accommodate a public transit stop which must be located in proximity to a primary building entrance along a walkway adjacent to the building, or within 300 feet of a primary building entrance in an abutting parking area connected via a walkway to the building entrance.

Subd. 3. Bicycle parking shall be provided at a rate of 1 per 10 auto spaces, with a minimum of 10, and shall be located within 100 feet of a primary building entrance along a walkway adjacent to the building or within an abutting parking area where

connected to a primary building entrance via a walkway. Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to the parking structure. The structure shall be of permanent construction such as heavy gauge tubular steel with angle bars permanently attached to the pavement.

Subd. 4. Pedestrian focal points with enhanced pedestrian paving such as decorative scored concrete, stained concrete, exposed aggregate, integral colored or textured concrete shall be provided.

Subd. 5. Developments must include an integrated pedestrian and bicycle circulation system that connects buildings, open spaces, and parking areas subject to the following minimum standards:

- A. Pedestrian facilities shall be provided adjacent to building facades that provide pedestrian ingress/egress and shall be a minimum of 10 feet wide and separated from vehicular traffic with raised curb, landscaping, bollards or similar improvements to separate vehicular and pedestrian spaces;
- B. Connections for non-motorized travel to adjacent sidewalk or trails shall be provided at a rate of one for every 600 feet of public sidewalk or trail frontage;
- C. Where a building façade providing customer or patron access is 400 feet in length or greater, walkways from building entrances or sidewalks adjacent to the building shall be extended into on-site parking areas at a rate of one per 250 feet of building façade, and shall extend into the parking area a minimum of 1/3<sup>rd</sup> of the depth of the parking lot area; and
- D. Required off-street parking spaces may be reduced by the amount displaced for pedestrian facilities.

Subd. 6. Canopy trees shall be incorporated into pedestrian walkways and pedestrian staging areas in order to enhance the pedestrian environment. Trees shall be provided at a rate of one per 20 lineal feet of walkway.

**63.274 Large Scale Developments and Uses:** Subdivision 1. This section applies to developments over five acres in size and individual uses in excess of 80,000 square feet.

Subd. 2. Sites shall be designed to accommodate a public transit stop which must be located in proximity to a primary building entrance along a walkway adjacent to the building, or within 300 feet of a primary building entrance in an abutting parking area connected via a walkway to the building entrance.

Subd. 3. For pedestrian safety and security in large developments, pedestrian scale lighting shall be provided along any internal pedestrian walkway.

Subd. 4. Bicycle parking shall be provided at a rate of 1 bicycle space per 10 auto spaces for the first 50 auto spaces, and then at a rate of 1 per 20 auto spaces thereafter, with a minimum requirement of 10 spaces. Bicycle parking shall be located

within 100 feet of a primary building entrance along a walkway adjacent to the building or within an abutting parking area where connected to a primary building entrance via a walkway. Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to the parking structure. The structure shall be of permanent construction such as heavy gauge tubular steel with angle bars permanently attached to the pavement.

Subd. 5. Pedestrian Oriented Spaces shall be incorporated and include outdoor gathering/seating area with a minimum of 175 square feet near the main building entrance. Business Centers shall incorporate additional pedestrian oriented space equal to 1% of the total sum of building area. Said space must include pedestrian scaled lighting, seating and landscaping and either tables, fountains, shade trees, clock towers, water features, information kiosks, botanical exhibits or art.

Subd. 6. Traffic calming design and devices shall be incorporated into the site design, which must include pedestrian safety improvements in areas with highest concentrations of pedestrian traffic (i.e. near building entrances).

Subd. 7. Where feasible, an outer drive aisle shall be used to divert vehicular traffic away from the area in front of stores/tenant spaces.

Subd. 8. Trash and recycling containers shall be provided near high pedestrian traffic areas.

**63.275 Pedestrian-Oriented Space:** Pedestrian-oriented space is an area located outside of the right-of-way between a building and a street or along a pedestrian facility which promotes visual and pedestrian access onto the site and provides pedestrian-oriented amenities and landscaping to enhance the patron's or public's use of the space for passive activities such as resting, reading, picnicking, etc.

- A. To qualify as a "pedestrian-oriented space," an area must have:
- (1) Visual and pedestrian access (including handicapped access) into the site from a public or private street or internal roadway;
  - (2) Paved walking surfaces of either concrete or other approved paving material;
  - (3) On-site or building mounted pedestrian oriented lighting providing at least four-foot candles at ground level with lighting level uniformity, average to minimum, shall be 2:1 or better; and
  - (4) At least two square feet of seating area (bench, ledge, etc.) or one individual seat per 60 square feet of plaza area or open space, whichever is greater.
- B. A "pedestrian-oriented space" is encouraged to have:
- (1) Landscaping that does not act as a visual barrier.
  - (2) Site furniture, artwork, fountains or other similar features.

### **63.300 MULTIPLE BUILDINGS ON A LOT**

The development of multiple building on a lot shall meet the requirements of this article.

- 63.301 The combined floor area permitted on a lot where more than one use is proposed in a single building or multiple building are proposed shall not exceed the highest maximum floor area ratio applicable to any single use type in the development.
- 63.302 Where two or more uses occupying one or more buildings on a lot are developed the most restrictive appearance and bufferyard controls shall be applicable to the entire development unless the development is designed such that each use has a separately defined area on the lot where different requirements can be reasonably applied.
- 63.303 Adequate access to each building or structure for Emergency Vehicles and apparatus shall be provided.
- 63.304 The site design of the development shall take into account the potential for future subdivision of the site so that adequate access by way of easement or lot pattern may be provided, and off-street parking meeting the requirements of this ordinance could be provided individually to each building.

### **63.310 RESIDENTIAL DEVELOPMENTS**

The following requirements shall apply to development of multiple buildings on a lot for residential purposes:

- 1) When two or more buildings are proposed for development on the same lot, sufficient area shall be provided around the structures so that each individual structure could provide applicable yards or setbacks in the event the area was subdivided;
- 2) Where an additional building(s) is proposed on a lot where buildings or structures already exist, the zoning administrator shall assume the existing structures have the minimum yards or setbacks surrounding them and any new buildings shall not encroach into the imaginary yards of the existing buildings
- 3) In the case of multifamily residential development, the site design shall take into account the potential for future subdivision of the site so that adequate usable recreation area can be provided by easement or lot pattern for each individual building.

### **63.400 OFF-STREET PARKING AND LOADING REGULATIONS**

The provisions of this Chapter establish standards for the number, design, location, and maintenance of off-street parking and loading facilities required by this ordinance. Requiring bufferyards and internal landscaping of parking lots provides multiple public benefits. Bufferyards and landscaping:

- A. Provide a visual screen between residential buildings, living space, and parking areas;

- B. Shade large expanses of paving thus reducing daytime heating and cooling needs;
- C. Control stormwater runoff;
- D. Beautify an area devoid of vegetation; and,
- E. Assist in improved pedestrian safety and circulation of vehicles.

**63.410 GENERAL REQUIREMENTS** Any building, improvement or use of land approved or erected after the effective date of this ordinance shall include the necessary off-street parking spaces, subject to all controlling features of this Ordinance, in the number and dimensions hereinafter stipulated or as otherwise approved by the Zoning Administrator for the type or use and zoning district in which such use may be located. Off-street parking shall be improved and available for use at the time of final building inspection when a use or structure is first occupied, enlarged, or increased in capacity. When a change in use is proposed, the Zoning Administrator shall review the site layout in relation to the new use to insure adequate off-street parking is available. Off-street parking shall be permitted only in areas designed and maintained for such use consistent with the regulations of this section.

**63.411 Use of Off-Street Parking Areas:** Areas designated for off-street parking space shall not be used for the open storage of goods or the commercial repair of vehicles. Parking of recreational vehicles is regulated in the accessory use provisions of this ordinance.

**63.413 Unlicensed Vehicles:** Automotive vehicles or trailers of any kind without current legal license plates or that are inoperable shall not be stored or parked on any property zoned residential except in a completely enclosed building. It shall be a misdemeanor for any person to park or store an automotive vehicle or trailer in a manner which violates the provisions of this section.

**63.414 Submittal Information:**

Subdivision 1. An application for a zoning certificate to approve a development requiring off-street parking outside of a driveway shall include information showing how the off-street parking and loading requirements will be met.

Subd. 2. The site plan shall include but not be limited to:

- A. Delineation of the area to be devoted to off-street parking along with the striping/curbing plan proposed to delineate individual parking spaces and circulation aisles.
- B. Delineation of access points for driveways serving the parking area, including width of curb cuts and distance separation from adjacent curb cuts.
- C. Dimensions, location and composition of required screening and proposed parking lot landscaping.

- D. Grading, drainage, surfacing, and subgrade details if required.
- E. Notation of signs and bumper guards/curb stops proposed, and indication of traffic visibility areas to be maintained.

Subd. 3. In the Destination Medical Center District Parking Overlay Zone, additional information as identified in section 63.427 may be required to demonstrate compliance with the Overlay Zone requirements. A copy of the site plan shall also be filed with the City Traffic Engineer if the parking lot will contain more than five spaces.

#### **63.420 AMOUNT OF OFF-STREET PARKING**

The regulations of this section identify how to determine the number of off-street parking spaces to be provided for a development.

**63.421 Number of Off-Street Parking Spaces:** The number of off-street parking spaces to be provided with any development shall be determined by referring to the applicable Zoning District Table in Chapter 62 of this ordinance and identifying the required off-street parking for the use under consideration. Requirements for the required number of off-street parking spaces in the Destination Medical Center District Parking Overlay Zone are found in section 63.427 and supersede requirements in chapter 62. Where the unit of measurement used to determine the number of parking spaces results in a fractional space, any such fractional space shall require one parking space.

**63.422 Units of Measurement:**

Subdivision 1. The definitions in this section, in addition to commonly used terms such as dwelling unit, bedroom or manufactured home defined in section 60.200, shall be utilized in determining the number of off-street parking spaces to be provided.

Subd. 2. **Floor Area:** In the case of office, merchandising and service uses, "floor area" shall mean the gross floor area used or intended to be used by tenants for their primary business activity or for service to the public as customers, patrons, clients, or patients, including areas occupied by offices, public areas, or the display of merchandise. It shall not include areas used principally for non-public purposes, such as storage, the incidental repair, processing or packaging of merchandise, for show windows, for restrooms, areas devoted to mechanical equipment, or for dressing rooms.

Subd. 3. **Places of Public Assembly:** In places of public assembly where patrons occupy benches, pews or other similar seating facilities, each 20 inches of seating shall be counted as one seat for the purpose of determining the requirements of off-street parking.

Subd. 4. **Employee(s):** Reference to "employees on the largest work shift" means the maximum number of employees employed at the facility regardless of whether such person is a full time employee. The largest

work shift may be a particular day of the week, daily work shift, or peak period such as the lunch or dinner period in the case of a restaurant.

Subd. 5. **Capacity:** The maximum number of persons which may be accommodated by the use as defined by building or fire code requirements.

63.424 **Mixed Occupancy:** In the case of a development other than a business center involving more than one use, the total off-street parking required shall be the sum of the various uses computed separately. The actual number of spaces provided on-site for a mixed use development may be modified the Joint Use provisions of section 63.425. Separate requirements regarding mixed occupancy are established for uses in the Destination Medical Center District Parking Overlay Zone in section 63.427 based on the principles of Shared Use Parking.

63.425 **Joint Use:**

Subdivision 1. Up to 50 percent of the off-street parking spaces required for uses such as theaters, bowling alleys, dance halls or other entertainment uses, and up to 100 percent of the off-street parking spaces required for a church or auditorium or similar place of public assembly, may be supplied through use of parking facilities provided for other buildings or uses with parking demand concentrated on weekdays between 8 a.m. and 5 p.m., such as banks, business offices, manufacturing firms or government buildings. Separate requirements are established in the Destination Medical Center District Parking Overlay Zone in section 63.427 regarding joint use based on the principles of Shared Use Parking.

Subd. 2. In all zones, a properly drawn and executed legal instrument between the parties to an arrangement for on or off site joint use parking shall accompany the request for zoning certificate approval, with such instrument approved as to form and content by the City Attorney.

63.426 **Spillover Parking:**

Residential developments, with the exception of those located in the R-2x zoning district, CN-NR zoning district and the Destination Medical Center District Parking Overlay Zone, shall provide parking in addition to the required off-street parking on a development wide basis for service vehicles and visitors based on the guidelines below. Such parking may be provided on-street, off-street, in any type of permitted community parking facility, or in parking bays designed as part of the original development. All proposed subdivisions shall be reviewed for consistency with these guidelines during the land subdivision review process, and all other developments shall be reviewed during Conditional Use or Zoning Certificate approvals.

<b>SPILOVER PARKING REQUIREMENTS</b>	
Detached Dwellings:	1.2 spaces per unit
Attached Dwellings:	0.8 spaces per unit
Multi-Family Dwellings:	
0-10 units	0.4 spaces per unit
10-50 units	0.2 spaces per unit
50-100 units	0.15 spaces per unit
Over 100 units	0.1 spaces per unit

**63.427. Downtown Parking Overlay Zone (DPOZ):**

Subdivision 1. The provisions of this section establish the standards for the supply and design of off-street parking and loading facilities in the Destination Medical Center Parking Overlay Zone. There is a need to provide parking guidance unique to the DMC-POZ to support implementation of the Rochester Downtown Master Plan and Destination Medical Center Vision.

Subd. 2. Establishment and Purpose.

- A. On January 3, 2011, the City Council adopted the "Downtown Rochester Master Plan Report" (DMP) as part of the City Comprehensive Plan and Future Land Use Plan. The DMP identified off-street parking as a major issue and recommended the City revise its land development code related to parking space requirements, the design of parking facilities and the management of parking spaces in the Central Development Core/ Central Business District (CDC- CBD). On June 4, 2012, the Downtown Parking Overlay Zone was initially adopted which reduced the number of off- street parking spaces required for projects in the downtown was revised on September 16, 2013 to include parking facility design requirements.
- B. On March 23, 2015, the City Council adopted the Destination Medical Center Development Plan (DMC Plan) as a framework for development in the DMC Development District (DMC District). The DMC Plan identified the following framework and policies for parking:
  - 1. Priority parking accommodation in the DMC District should be for residents, short-term visitors, retail patrons, and medical patients and their travel companions.
  - 2. Employee parking, particularly off-site employee contract parking, should not be incentivized and should take the lowest priority relative to other types of parking in the DMC District. Employees generate the greatest demand for parking with very low turnover, inhibiting the use of high value land for more productive economic purposes. Employee trips are the most consistent and easy to serve effectively with alternative transportation and should be encouraged to use transit or other transportation options to reduce the need for utilizing high value land in the Central Development Core for parking purposes.

3. Developers should be encouraged to share parking and use other strategies such as unbundled parking to reduce demand for and prevent overbuilding of parking in the DMC District.

Subd. 3. Many employees, hotel guests, medical patients, hospital visitors and other customer or patrons park their vehicle once for their primary trip and make additional travel stops without an additional vehicle trip either as pedestrians or through use of shuttle or transit services. Parking regulations should reflect this "Park Once" behavior and the reduced need for on-site parking that results.

Subd. 4. Whereas conventional parking requirements outside the DMC District apply the same parking standards uniformly across the City based on the assumption that the majority of users arrive at a destination in a private automobile, parking requirements in the DMC District should reflect the unique characteristics of parking in the DMC District where a high level of public transit service, centrally located public parking facilities, metered street parking, and close proximity of different business, institutional and public destinations facilitate much greater use of alternative modes of travel.

Subd. 5. To further the development goals of the DMC District, the provisions of the DMC-POZ should:

- A. Reduce the prominence of off-street parking as a land use in the DMC District to release more land for redevelopment, enhance the economic viability of existing development and create a safer, pedestrian-friendly, active street level environment;
- B. Limit the construction of excess parking capacity, which is inconsistent with long term mode shift goals established in the DMP and DMC Plan; and
- C. Ensure adequate flexibility to meet short term needs for parking while permanent infrastructure and services to service low turnover, long term parking outside the DMC District are developed as part of the evolution of the DMC District, or where unique development situations for which proof of reduced parking demand is provided.

Subd. 6. Parking design principles should reflect concepts and policies for parking facilities described in the DMP, DMC Plan and Destination Medical Center District Design Guidelines to create a downtown that is walkable, livable, and promotes human interaction, with pedestrian friendly streets that insure strong connections between indoor and outdoor spaces at street level, and which results in buildings that engage the street, shape the public realm, and minimize energy use.

Subd. 7. The DMC-POZ should encourage collaboration among and between private interests and public interests to jointly and creatively meet parking requirements through the innovative development and management of parking facilities to create a district-wide parking supply maximized for efficiency in furtherance of public goals and private interests.

Subd. 8. DMC-POZ Boundary and Effect:

- A. Lands identified on the Zoning Map as lying within the boundary of the Destination Medical Center-Parking Overlay Zone are subject to the requirements of DMC-POZ defined within Section 63.427. The boundary may be amended from time to time if the boundary of the DMC District is changed in the future through amendment to this Land Development Manual. The DMC-POZ overlay zone shall be shown as a boundary on the official zoning map.
- B. Definition of Use. Within the boundaries of the DMC-POZ, a "Parking Facility" is defined as being a principal or accessory use of land being either a structure or building located above or below grade designed for the short term or long term off-street parking of one or more motor vehicles, or a surface parking lot defined as an outdoor area used for the short term or long term parking of motor vehicles. The term "Parking Facility" also includes any off-street, designated locations for temporary parking of motor vehicles used for the loading or unloading of passengers or goods.
- C. The authority of the DMC-POZ shall be to modify general zoning district, lot development or site development standards applicable to the provision of off-street parking in the established zoning districts underlying the DMC-POZ. The modifications in this overlay zone shall not supersede, modify or annul the regulations authorized in any previously adopted Special Districts (section 60.327) or supersede, modify or annul any previous conditions of approval established as part of an approved conditional use permit or zoning variance.
- D. The requirements of the DMC-POZ apply to any new development which is defined as the construction of new square footage or change in the type of use on a site within the DMC District with the following exceptions:
  - 1. Adaptive reuse of existing buildings: In the case of adaptive reuse of a building that does not involve any expansion of the building's existing square footage, no additional parking is required. Any square footage greater than the existing square footage is subject to the parking requirement of this section 63.427.
  - 2. Small Storefront Retail Business Parking Exemption: New select "retail" non-residential business uses defined in section 62.140 as either Restaurants (Standard or Fast food), Personal Service uses, Convenience Retail uses or Retail Trade containing no more than two thousand (2,000) square feet of "floor area" as defined in section 63.422, subd. 2, located in a building space on street level fronting on the public sidewalk and provided with direct pedestrian from the public sidewalk into the business, shall be exempt from any minimum accessory off- street parking requirements.

E. Approval Process:

1. The primary use of land for a new or expanded "Parking Facility" requires the issuance of a Conditional Use Permit utilizing a Type III Use Permit process with a Phase III Hearing Process. The Council may impose conditions that restrict the use of the property to a specified period of time, treating the land use as an interim or temporary use until such time as a planned future event takes place.
2. The City Council has the authority to approve a new parking facility as an accessory use to another principal use as part of a Conditional Use, Incentive Development or Restricted Development.
3. An exception to this permitting process may be authorized by the Zoning Administrator in the following situations:

(a) The Zoning Administrator may allow through the issuance of a Type I permit the use of land for a parking facility if it is an accessory use to a permitted principal use located on the same lot and the parking facility meets all other applicable requirements of the Land Development Manual as well as the unique provisions of the DMC-POZ. To be considered as a Type I permitted parking facility, the accessory parking facility must either be completely below the adjacent street grade and/or located behind the principal building on the lot with vehicular access to the parking facility provided solely from an alley located adjacent to the rear line of the lot.

- F. Other Requirements: All other requirements of the Land Development Manual pertaining to parking facility design parameters (section 63.450), off-street loading (section 63.460), and the coordinated parking and loading management plan (section 63.470), shall apply to development within the DMC-POZ.

Subd. 9. Base requirements for Off-Street Vehicular Parking in the DMC-POZ.

- A. New construction subject to providing off-street parking in section 63.427, subd. 8(0) shall provide an adequate number of off-street parking spaces to exceed the minimum parking space requirements and shall not exceed the maximum number of parking spaces defined in section 63.427, subd. 9(C) off DMC-POZ Parking Requirements.
- (1) Provision of parking beyond maximum allowed: The provision of parking spaces beyond the maximum specified in section 63.427, subd. 9(C) may be allowed where public parking is proposed as a replacement for existing public parking removed

as part of a redevelopment plan, or where the City of Rochester has by agreement secured spaces for public parking use under section 63.428 in a parking structure built as part of a new private development.

- B. All general requirements for off-street parking as provided in section 63.410 shall apply in the DMC-POZ.
- C. Table of Minimum and Maximum Parking Requirements: section 63.427, subd. 9(C) defines the minimum and maximum number of parking spaces to be provided with any new construction within the DMC-POZ area. For the purposes of calculating the number of allowable spaces, the rules found in sections 63.421 and 63.422 shall apply.
- D. Required off-street parking spaces may be on-site or provided off-site according to the following:
  - 1) Parking for residents and short term, high turnover users such as visitors, guests, customers or patrons may be provided off-site from the primary use.
  - 2) Parking for long-term, low turnover users such as employees of on-site businesses may be provided on-site or accommodated outside the DMZ-POZ at a remote park and ride facility where connecting service by public transit or private shuttle is arranged for use of on-site employees.
  - 3) Private parking facilities for off-site contract parking of employees of businesses or organizations in the DMC District may not be constructed in the DMC- POZ.
  - 4) Where off-site parking for residents or other short term parking users is provided, the following table provides guidance on the generally acceptable pedestrian travel distance for persons parking off- site:

Area	Customer/Visitor/ Patron	Resident
CDC- Central Business District/ Fringe	1200'	600'
Other CDC areas	800'	400'
Other areas in DNIC District Overlay Zone	400'	200'

<b>TABLE 63.427 subd. 9 c</b>		
List of Permitted Uses	REQUIRED OFF-STREET PARKING MINIMUM	REQUIRED OFF-STREET PARKING MAXIMUM
<b>RESIDENTIAL USES</b>		
Single Family Detached	1 per dwelling unit, except an accessory dwelling unit shall not be required to provide off-street parking	2 per dwelling unit
Duplex	1 per dwelling unit	2 per dwelling unit
Multi-Family Residential 3 & 4 Plex 2 Story Building > 2 Story Building With 30 or more units	1 per dwelling unit	1.5 per 1 Bedroom unit 2.0 per 2 bedroom unit 2.5 per 3 bedroom unit 3.0 per 4 or more bedroom unit
Performance Residential	1 per dwelling unit	2 per dwelling unit
Congregate Housing	0.8 per dwelling unit	1 per dwelling unit
Manufactured Home Park	1 per unit	2 per unit
Group Residential Care	1 space per 4 beds	1 space per 2 beds
Semi-Transient Accom.	0.75 per unit	1 per unit
Transient Accommodations	0.75 per unit	1 per unit
Nursing & Personal Care	1 per emp on largest shift plus 1 per 6 beds	1 per emp on largest shift plus 1 per 3 beds
Offender Transitional Housing	1 space per 4 beds	1 space per 2 bed
Commercial Lodging: Hotels/motels	1 per 3 guest rooms + parking equal to 10% of the capacity of persons for an affiliated use on site (i.e., dining or meeting rooms)	1 space per guest room + parking equal to 30% of the capacity of persons for an affiliated use on site (i.e., dining or meeting rooms)
<b>OFFICE AND SERVICE USES</b>		
Offices	1 per 500 sq. ft. FA in excess of 4,000 sq. ft.	1 per 200 sq. ft. FA
Medical Office/Clinic	1 per 500 sq. ft. FA in excess of 4,000 sq. ft.	1 per 200 sq. ft. FA
Business Center	As determined by a TDMP	SEE PAR. 62.383(D)
Business Service	1 per 500 sq. ft. FA in excess of 4,000 sq. ft.	1 per 200 sq. ft. FA
Personal Service	1 per 500 sq. ft. FA in excess of 4,000 sq. ft.	1 per 200 sq. ft. FA
Repair & Maintenance	1 per 500 sq. ft. of FA in excess of 4,000 sq. ft. (minimum of 4 spaces) + 1 space per 2,000 sq. ft. of outdoor sales area + 2 spaces per repair bay, if any	1 per 300 sq. ft. of FA + 1 space per 1,000 sq. ft. of outdoor sales area + 2 spaces per repair bay, if any
Trade Shops	1 per 500 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 200 sq. ft. FA
Auto Maintenance Services		1 per 200 sq. ft. of GFA+ 2 spaces per repair bay

Automotive Repair Services	1 per 500 sq. ft. of GFA excluding service bays + 2 spaces per repair bay	
Auto Center	1 per 500 sq. ft. of FA in excess of 4,000 sq. ft. (minimum of 4 spaces) + 1 space per 2,000 sq. ft. of outdoor sales area + 2 spaces per service bay, if any	1 per 300 sq. ft. of GFA + 1 space per 1,000 sq. ft. of outdoor sales area + 2 spaces per service bay, if any
Funeral Homes	1 per 4 persons based on maximum capacity of building	1 per 2 persons based on maximum capacity of building
Veterinary Service	1 per 500 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 200 sq. ft. FA
<b>MEDICAL AND INSTITUTIONAL USES</b>		
Medical Facilities	1 per 3 beds; may be superceded by TMDP	1 per 2 beds; may be superceded by TDMP
Educational Services	1 per classroom + 1 space per 5 students of legal driving age based on the maximum number of students attending classes at any one (1) time	2 per classroom + 1 space per 3 students of legal driving age based on the maximum number of students attending classes at any one (1) time
Membership Organizations	1 per 4 persons based on maximum capacity of building	1 per 2 persons based on maximum capacity of building
Day Care Facility	1 per emp on largest shift OR 1 space per 500 sq. ft. of GFA, whichever is largest	1 per emp on largest shift OR 1 space per 200 sq. ft. of GFA, whichever is largest
Emergency Services	1 per employee	1 per employee
Air Transportation	1 per employee	1 per employee
Area Accessory Development	Area Accessory Uses shall prepare a Travel Demand Management Plan as per 63.429	
<b>INDUSTRIAL USES</b>		
Light Industrial	1 per 2 employees on largest shift or 1 per 1,200 sq. ft. FA whichever is greater plus 1 per vehicle normally stored or parked on the site	1 per 500 sq. ft. FA plus 1 per vehicle normally stored or parked on the site
Research & Testing	1 per 2 employees on largest shift or 1 per 1,200 sq. ft. FA whichever is greater plus 1 per vehicle normally stored or parked on the site	1 per 500 sq. ft. FA plus 1 per vehicle normally stored or parked on the site
Wholesaling	1 per 2 employees on largest shift or 1 per 1,200 sq. ft. FA whichever is greater plus 1 per vehicle normally stored or parked on the site	1 per 500 sq. ft. FA plus 1 per vehicle normally stored or parked on the site
Transportation Services	1 per 500 sq. ft. of FA plus 1 per rental/company vehicle	1 per 150 sq. ft. of FA plus 1 per rental/company vehicle

Local Transit	1 per 2 employees on largest shift or 1 per 1,200 sq. ft. FA whichever is greater plus 1 per vehicle normally stored or parked on the site	1 per 500 sq. ft. FA plus 1 per vehicle normally stored or parked on the site
Motor Freight /Warehousing	1 per 2 employees on largest shift or 1 per 1,200 sq. ft. FA whichever is greater plus 1 per vehicle normally stored or parked on the site	1 per 500 sq. ft. FA plus 1 per vehicle normally stored or parked on the site
Sand or Gravel Excavation	1 per emp on largest shift	1 per emp on largest shift
<b>FOOD AND BEVERAGE USES</b>		
Fast Food Restaurant	1 space per 250 sq. ft. FA	1 space per 75 sq. ft. of FA
Standard Restaurant		
Fast Food Restaurant		
Standard Restaurant		
<b>RETAIL SALES AND SERVICE USES</b>		
Retail Trade	1 per 450 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 200 sq. ft. FA
Furniture & Appliance Sales	1 per 500 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 250 sq. ft. FA
Garden Center	1 per 2 employees on largest shift, 1 per 1,000 sq. ft. FA for interior sale area, 1 per 5,000 sq. ft. exterior sale area	1 per 2 employees on largest shift, 1 per 500 sq. ft. FA for interior sale area, 1 per 2,500 sq. ft. exterior sale area
Sales and Storage Lots	1 per 500 sq. ft. of FA in excess of 4,000 sq. ft. (minimum of 4 spaces) + 1 space per 1,500 sq. ft. of outdoor sales area	1 per 300 sq. ft. of GFA + 1 space per 1,000 sq. ft. of outdoor sales area
Convenience Retail	1 per 500 sq. ft. FA	1 per 100 sq. ft. FA
Communications	1 per 500 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 200 sq. ft. FA
<b>ARTS – RECREATION – ENTERTAINMENT USES</b>		
Indoor Athletic Facility	1 per 500 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 100 sq. ft. FA
Indoor Recreation Facility	1 per 500 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 200 sq. ft. FA
Restricted Commercial	1 per 500 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 200 sq. ft. FA
Indoor Recreation	1 per 500 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 200 sq. ft. FA
Drinking & Entertainment	1 per 250 sq. ft. FA	1 per 100 sq. ft. FA
Bowling Alleys	2 spaces per lane or 1 per 250 sq. ft. FA, whichever is larger	4 spaces per lane or 1 per 150 sq. ft. FA, whichever is larger

Adult Establishment	1 per 500 sq. ft. FA in excess of 4,000 sq. ft. (minimum of 4 spaces)	1 per 200 sq. ft. FA
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- E. Any downtown property owner with an established Travel Demand Management Program and an on-site Parking Policy and Management Plan approved by the City may use such Parking Policy and Management Plan to guide the development of off-street parking.
- F. Required Bicycle Parking:
1. In a new or expanded parking facility that contains 24 or more parking spaces, off-street bicycle parking must be provided on site. If a parking facility has between 24 and 100 auto parking spaces, off-street bicycle parking spaces must be provided at a ratio of one space per ten auto parking spaces. In a new or expanded parking facility with more than 100 auto parking spaces, the required ratio of bicycle spaces to be provided for that portion of the parking facility above 100 auto spaces in number is three-quarters (0.75) of an off-street bicycle parking space for every ten auto parking spaces. If existing public bicycle parking spaces are located on the same block as the new or expanded parking facility, the requirement for providing bicycle parking may be reduced or waived.
  2. Required off-street bicycle parking can be provided through the provision of U-lock friendly bicycle racks that support the bicycle upright by its frame in at least two places or points of contact or in commercially built bicycle lockers.
- G. Existing land uses in existence at the time of adoption of these regulations having more accessory off-street parking spaces than the maximum number specified are permitted to continue to legally utilize all available parking spaces and the use shall not be considered non-conforming as to parking for zoning purposes because of excess number of parking spaces. New parking facilities established after the effective date of this ordinance shall conform to the new provisions of the DMC-POZ and other applicable provisions of this Code for the underlying zoning of the property. All legally established parking facilities that do not conform to the revised standards have the authority to continue granted in section 65.120.
- H. Excess, existing accessory off-street parking spaces no longer needed for an existing land use to comply with zoning code requirements because of the permitted reduction in minimum parking requirements found in this paragraph, may not be converted to a commercial parking facility with more than four parking spaces, unless the conversion is approved as an interim land use through the approval process for a Type III Restricted Development but following only the Final Plan (Type III, Phase III) process as regulated in section 62.700.

## Subd.10 Reductions to off-Street Parking Requirements

- A. Within the boundaries of the DMC-POZ, additional reductions to the minimum number of off-street parking spaces required may be authorized for a new development in certain situations or if certain conditions are met. Adjustments or reductions that may be applicable to a proposed development shall initially be calculated separately and can be applied in a manner or order that results in the maximum overall reduction in the total of the number of off-street parking spaces required.
- B. General Requirements:
  - 1. Any reductions or adjustments to the number of required off-street accessory parking spaces authorized under these provisions that rely upon the performance of the municipality, shall remain in effect as initially authorized regardless of any changes made by the municipality. Changes to the development made by the owner that would effectively nullify any or all of the off-street parking reductions, adjustments, exemptions or substitutions authorized under these provisions shall not be made without approval from the Zoning Administrator.
- C. Process to apply for Reduction or Substitution of Off-Street Parking Requirements in DMC-POZ:
  - 1. Any request for a reduction or substitution to the off- street parking requirements in the DMC-POZ shall be made to the City in a form determined appropriate by the Zoning Administrator. It shall be the responsibility of the applicant for the request to provide all documentation requested to prove conformance with all conditions needed to support the decision of the Zoning Administrator to grant the requested parking reduction or substitution.
- D. Reductions Allowed:
  - 1. Shared Parking Reduction. A reduction in the minimum number of required parking spaces may be approved for mixed-use developments where the uses have parking demands that peak at different times of the day and/or days of the week, and if open and unreserved parking spaces are provided to share between the complementary uses. The zoning administrator may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of peak parking demand do not overlap. Shared parking shall be subject to the location requirements of section 63.430 and the following conditions:
    - a. Computation. The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:
      - (i) Multiply the minimum parking required for each individual use, as set

forth in Table 63.427, subd. 9(8), by the appropriate percentage indicated in the following table for each of the six designated time periods.

General Land Use Classification	Weekdays			Weekends		
	2:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 2:00 a.m.	2:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 2:00 a.m.
Office	5%	100%	5%	0%	10%	0%
Retail sales and services	0%	90%	80%	0%	100%	60%
Restaurant (not 24 hour)	10%	70%	100%	20%	70%	100%
Residential	100%	60%	100%	100%	75%	90%
Theater	0%	40%	90%	0%	80%	100%
Hotel						
Guest rooms	100%	55%	100%	100%	55%	100%
Restaurant/lounge	40%	60%	100%	50%	45%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Religious institution	0%	25%	50%	0%	100%	50%
Reception or meeting hall	0%	70%	90%	0%	70%	100%
Museum	0%	100%	80%	0%	100%	80%
School, grades K–12	0%	100%	25%	0%	30%	10%

- (ii) Add the resulting sums for each of the six columns.
  - (iii) The minimum parking requirement shall be the highest sum among the six columns resulting from the above calculations.
  - (iv) Select the time period with the highest total parking requirement and use that total as the maximum shared parking requirement.
- (b) Other uses. If one or more of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in section 63.427, subd. 10 (D)(1)(a)(i), as determined by the zoning administrator, then the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the zoning administrator shall determine the appropriate shared parking requirement, if any, for such uses.
- (c) Alternative procedure. Alternative procedure. An application may be submitted requesting that the zoning administrator authorize a greater reduction in the total number of required parking spaces for two or more uses where an applicant believes the percentages in section 63.427, subd. 10(D)(1)(a)(i) do not adequately account for circumstances unique to the particular property or properties in question. The application shall include, at a minimum, a parking study with a detailed description of the proposed uses, their hours of operation, their anticipated peak parking demand, and anticipated hours that such peak parking demand would occur. Based upon information demonstrating that the peak parking demand for the uses in question would not coincide, the zoning administrator may

authorize a parking reduction other than that authorized through section 63.427, subd. 10(D)(1)(a)(i).

- (d) Process. The shared parking calculation shall be submitted on a form approved by the zoning administrator as part of the Parking Facility Approval Process, as specified in section 63.427, subd. 10(C)(1).
- (2) Standard Reductions for Accessory Off-Street Parking for Non-Residential Uses.
  - (a) Off-site Permanent Public Parking Availability Reduction: The number of off-street accessory parking spaces for any non-residential use may be reduced by ten percent if the new non-residential use is situated on a zoning lot that lies within the walking distances defined in section 63.427, subd. 9(D)(4) of a publically owned parking structure, as measured from the nearest point on the property line of the lot on which the public parking lot or structure is located to the nearest point on the property line of the lot on which the non-residential use requiring off-street parking is located.
  - (b) Transit Improvement Incentive Reduction: The number of off-street accessory parking spaces for a non-residential use may be reduced by an additional ten percent if the new development provides a needed, adequately designed, sheltered transit stop within the development, as determined by the Director of Public Works. The reduction shall not be awarded for sheltered transit stops that are both in the public right-of-way and detached from the principal structure.
  - (c) Captive Market Reduction: The number of non-residential accessory off-street parking spaces for the non-residential portion of a new mixed-use development may be reduced in whole or part when certain select "retail" uses are located in the mixed-use building. The required accessory off-street parking for "retail" uses that are defined by section 62.140 as Restaurants (Standard or Fast food), Personal Service uses, Convenience Retail uses or Retail Trade may be reduced an additional ten percent. For the select "retail" uses to qualify for the additional parking reduction, the development must meet the following conditions:
    - (i) It must be designed and built as a single mixed-use building where the floor area of the portion of the building devoted to residential use is at least twice the floor area of the portion of the building devoted to non-residential use; and,
    - (ii) The select "retail" uses are located on the street level that fronts in some part on the public sidewalk and has public, pedestrian access from the public sidewalk.
  - (d) Adjacent, Metered, On-Street Public Parking Spaces Adjustment: Public, metered on-street parking spaces lying adjacent, in whole or in part, to the property line of the zoning lot for a new development with a

non-residential land use that must provide accessory off-street parking may count the adjacent metered on- street spaces as all or part of the required, non-residential, accessory, off-street parking spaces.

- (e) **Bicycle Parking Substitution:** Off-street bicycle parking provisions located in a public space on the street level of a new development may be substituted for up to five percent of the final modified number of off-street accessory parking spaces required for any new non-residential use. For the purpose of calculating the number of parking spaces that can be substituted, the application of the five percent provision that results in a non-whole number may be increased to the next highest whole number to determine the maximum number of accessory off-street parking spaces that may be substituted. Any of the following bicycle parking provisions qualify as the equivalent of one off-street accessory parking space:
  - (i) One enclosed, securable bicycle locker large enough to accommodate at least one full-size bicycle with guaranteed access for the user of the bicycle locker to a securable dressing room with clothing storage and shower facilities;
  - (ii) Two enclosed, securable bicycle lockers each large enough to accommodate at least one full-size bicycle; or
  - (iii) Six U-lock friendly bicycle rack spaces that support the bicycle upright by its frame in at least two places or points of contact.
  
- (3) **Standard Reductions to the required number of Off- street Parking Spaces for New Residential Developments.**
  - (a) Any reduction in number of residential, accessory off-street parking spaces authorized by this paragraph must be replaced in number with bicycle parking spaces. The replacement bicycle parking spaces must be located on the site of the development; in an area that is not within the private, habitable portion of residential dwelling unit; that provides the parked bicycle with protection from the elements and a U-lock friendly securable, bicycle rack that supports the bicycle upright by its frame in at least two places or points of contact.
  
  - (b) **Categories of Acceptable Residential Off-Street Parking Reductions.**
    - (i) **Shared Car Reduction:** A reduction in the number of required residential accessory off-street parking spaces may be granted if a shared or community vehicle is available for use by residents of a new residential development. Where one or more passenger vehicles are available on-site with an established procedure for private use by residents, the minimum parking requirement for a residential use may be reduced by an additional 20 percent provided there are no more than 75 residential dwelling units per shared vehicle.

- (ii) Transit Availability Reduction: The number of residential, accessory off- street parking spaces may be reduced by an additional ten percent if the zoning lot on which the new residential development is located is within 660 feet walking distance of a signed bus stop or bus shelter serving a weekday bus route.
- (iii) Skyway/Subway Proximity Reduction: The number of residential accessory off- street parking spaces may be reduced by ten percent if the zoning lot on which the new residential development is located is within 750 feet of the property line of a lot which contains a pedestrian entry point into the skyway and/or subway system available for use by the general public.
- (iv) Student Housing Exemption: Dwelling units in a new residential development that are restricted solely to the residency and occupancy of students of an accredited educational facility with a physical campus within the municipal boundaries of the City of Rochester are not required to provide accessory off- street parking spaces for the dwelling units during the period of time the student residency restriction is in effect. For every ten dwelling units that receive the exemption from providing accessory off-street parking, at least one accessory off-street parking space for the use of visitors to the dwelling units must be provided on site.

Subd.11 Special Provisions for Existing or New Residential Land Use in DMC-POZ

- A. Residential developments within the boundaries of the DMC-POZ are exempt from the "Spillover Parking" requirements of section 63.426.
- B. Any required accessory off-street parking spaces for a residential dwelling unit can be offered for rent to the tenant(s) of a dwelling unit separately by the landlord independent of the action of renting the dwelling unit to the tenant. Such residential accessory off-street parking spaces, if offered for rent separately, can be rented to either tenants or non-tenants of the residential use on the property.

Subd. 12. Certain underlying zoning district parking regulations to apply:

- A. The boundary of the DMC-POZ contains all of the Central Development Core (CDC) Performance Districts (CBD; Fringe; Medical and Residential) as well as areas zoned in the B-4 (General Commercial), B-1 (Restricted Commercial), M-1 (Mixed Commercial Industrial), R-4 (High Density Residential), R-3 (Medium Density Residential), R-2 (Low Density Residential), and R-1 (Mixed Single Family Residential) districts and as a PUD (Planned Unit Development). Established residential zones and the PUD district have highly detailed development standards applicable to accessory parking and limited non-accessory parking as permitted uses. Within the boundaries of the DMC- POZ, the zoning

regulations of this subdivision will only be applicable in the four CDC Performance Districts or any established non-residential zone.

B. Alternative Compliance. As part of the Conditional Use Permit process, the City Council may approve alternative design methods of compliance to any of the specific design provisions of the DMC- POZ upon the finding of any of the following situations:

- (1) A proposed alternative design includes additional amenities or improvements above normal requirements that mitigate any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural features, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated as historic structures, and design which is similar in form, scale, and materials to existing structures on the site and to surrounding development.
- (2) It is shown by the applicant and agreed to by the City that the alternative design solution proposed will result in an improved use of the land that preserves the purposes and goals of the LDM, the DMC-POZ, and the Downtown Rochester Master Plan Report, the Destination Medical Center Development Plan and District Design Guidelines and any applicable officially adopted development standard or guideline.
- (3) It is determined that strict adherence to the unique provisions of the DMC-POZ is impractical because of site location or existing conditions. Waiver of adherence will result in a development that is still considerate of its physical surroundings, fits in with the established character of the area, and insures the public's health, safety, and general welfare are protected now and into the future.

C. Special Ordinance Exemptions:

- (1) The exemption to the requirements for Traffic Visibility Zones in section 63.503 is extended to the development of new or expanded parking facilities. The potential to maximize pedestrian safety through the enhancement of visibility of vehicles entering, exiting, or parked in a parking facility will be evaluated on a case by case basis considering the characteristics of the adjacent streets and alleys as part of the Conditional Use Permit approval process.
- (2) For properties located in the applicable zoning districts as described in section 63.427, subd. 12(A), any provision of this Code that would require bufferyards between land used for a new parking facility and

any adjacent land uses are waived with the exception of any required bufferyard that establishes the need to provide the planting of boulevard trees.

D. Restricted Site Locations:

- (1) A new or expanded parking facility should avoid directly abutting on any of the seven "active/pedestrian" street segments shown on Map 1. These street segments reflect the most important "pedestrian environments" and streets with "points of engagement" as identified in the "Downtown Rochester Master Plan Report." Restricting parking facilities along these selected streets will provide a safer pedestrian environment and maintain a continuous building street wall of destinations for pedestrians. A parking facility is not considered to be abutting on a street frontage in this site location restriction if it is separated from the street property line by a principal building that is at least 15 feet in depth, one full story in height above the sidewalk grade and at least as wide as the parking facility on the lot.
- (2) If avoidance of fronting a new parking facility on an "active/pedestrian" street as described in the paragraph 1 of this clause is determined by the Council to be infeasible because of the physical limitations of the site or the temporary nature of the proposal, a minimum of a 15-foot wide area, located at ground level, between the new parking facility and sidewalk or street property line of the active/pedestrian identified street should be provided. This 15-foot wide area should be designed for use as a pedestrian plaza with public seating, public art and/landscape area (see Figure 1 for an example of buffering a parking facility abutting an "active/pedestrian street").

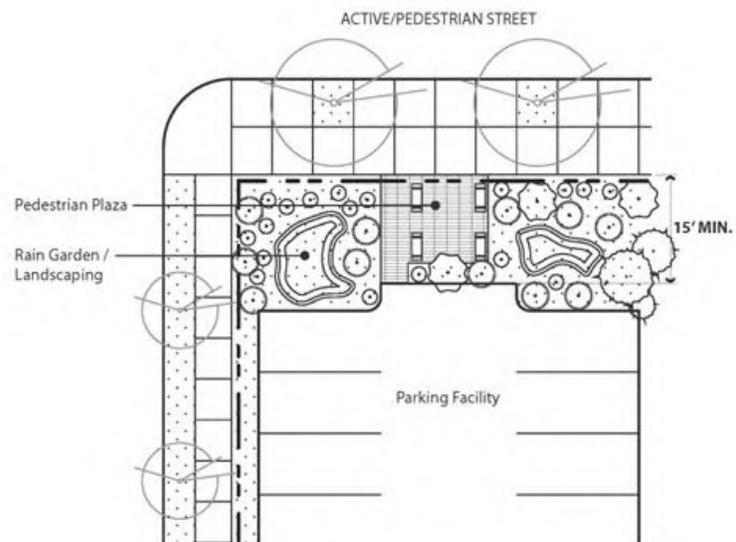


Fig. 1 - Example Fronting an Active/Pedestrian Street

E. Vehicular and Non-vehicular Access to a Parking Facility:

- (1) Vehicular access to a new parking facility shall not be taken from an active/pedestrian street frontage as identified in section 63.427, subd. 12(0)(1). Vehicular access to a parking facility should be developed from an alley if available. Vehicular entrance drives should be located and designed to minimize interference with pedestrian movements. Vehicle entrance drives to parking facilities should not exceed 20 feet of street frontage (see Figure 2).
- (2) Principal use surface parking lots shall provide an exterior pedestrian accessible route (sidewalk) meeting the accessibility requirements of the Building Code from the abutting public sidewalk to any accessible area or accessible parking space within the parking lot via the shortest route.
- (3) Where a surface parking lot, including any buffer or landscape areas, has 300 or more feet of continuous frontage along a street, sidewalk, pathway, a mid-frontage, exterior accessible pedestrian route (sidewalk) meeting the standards of the Building Code must be provided between the abutting public sidewalk and an accessible area or accessible parking space within the parking lot (see Figure 4a).
- (4) A surface parking lot situated at the corner of a block shall provide an exterior accessible pedestrian route (sidewalk) meeting the standards of the Building Code from the adjacent public sidewalk between a point at or within ten feet of the inside corner of the abutting sidewalks to an accessible area or accessible parking space within the surface parking lot (see Figure 4a).

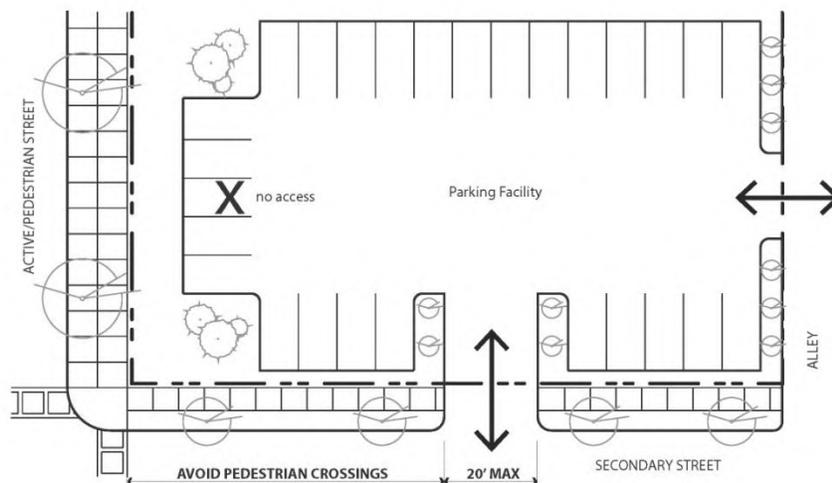
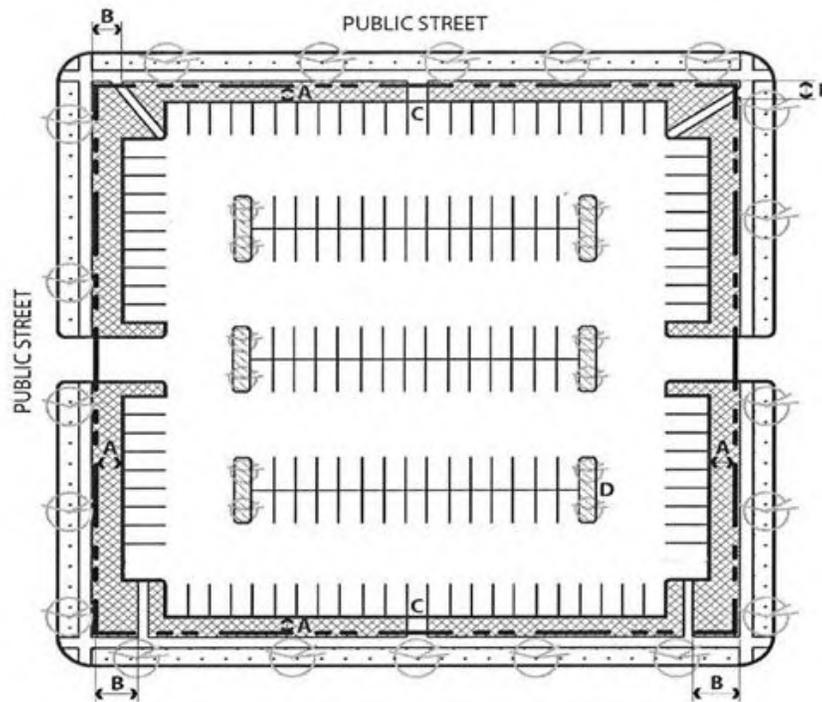


Fig. 2 - Vehicular Access to Parking Facilities



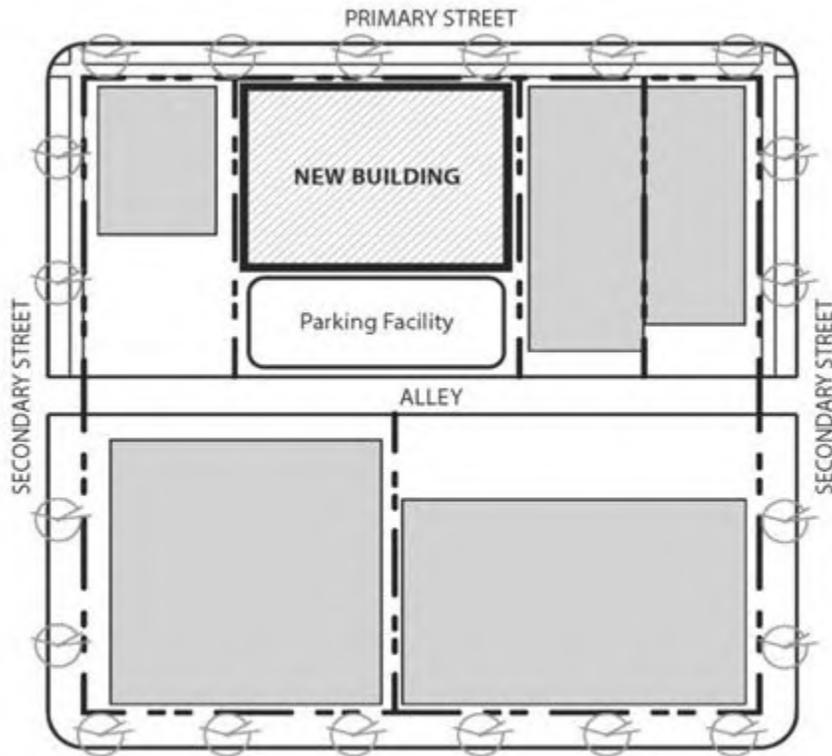
**Fig. 4a - Surface Parking Facilities**

Design Requirements	
Buffer (see table for minimum buffer requirement)	<b>A</b>
Pedestrian access within 10' of block corner	<b>B</b>
Mid-block pedestrian access and landscape courtyard	<b>C</b>
Interior lot landscaping (see table for buffer reduction)	<b>D</b>

F. Placement of Accessory Parking Facilities on a Lot with a Principal Building:

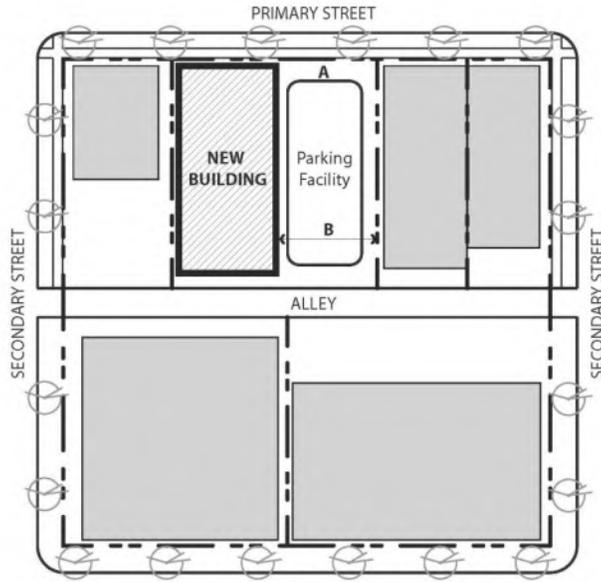
- 1) On a lot developed with a principal building as well as an accessory parking facility, the parking facility shall be:
  - (a) Located no closer to a street property line than the principal building on the lot, except if the parking facility is completely below grade;
  - (b) Located either to the rear of the principal building or if constructed as part of the principal building behind the front facade of the principal building except for the portion of a parking facility that is completely below grade (see Figure 3a);
  - (c) If is not feasible to locate the parking facility to the rear of the principal building, the parking facility may be located to one side of the principal building. A parking facility located to one side of a principal building shall be no more than 60 feet in width (not including any required landscape buffer areas) measured from the side wall of the principal building (see Figure 3b);

- (d) If the principal building and parking facility is situated on a corner lot, the parking facility should be located in such a way as to allow the principal building to be "built to" both the front and side-street property lines. A portion of the parking facility may front along the side-street lot line when situated behind the rear wall (or parallel extension thereof) of the principal building on the lot and subject to any other identified design features, setback, buffering, screening and landscaping (see Figure 3c).

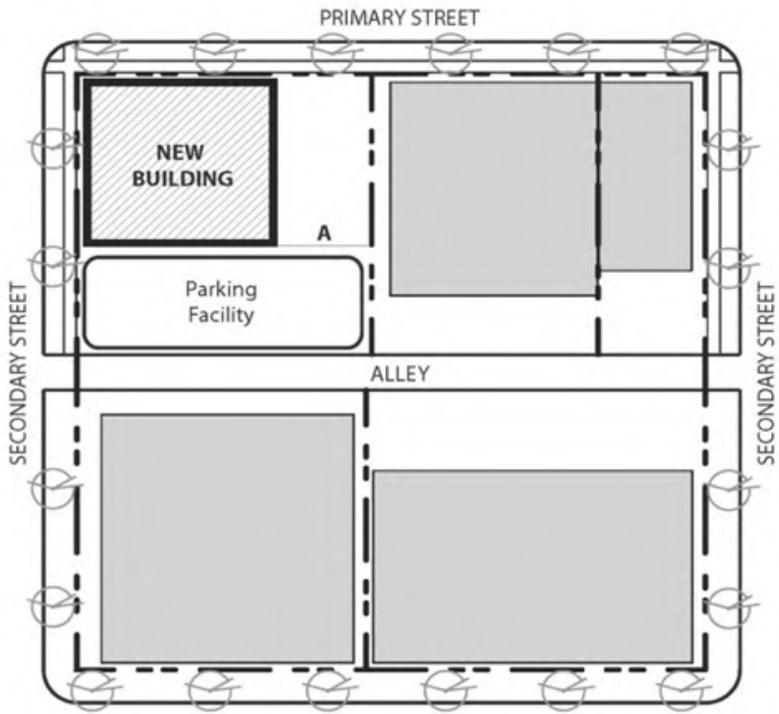


**Fig. 3a - Principal Building and Parking Facility**

Parking Placement to the Rear of Principal Building



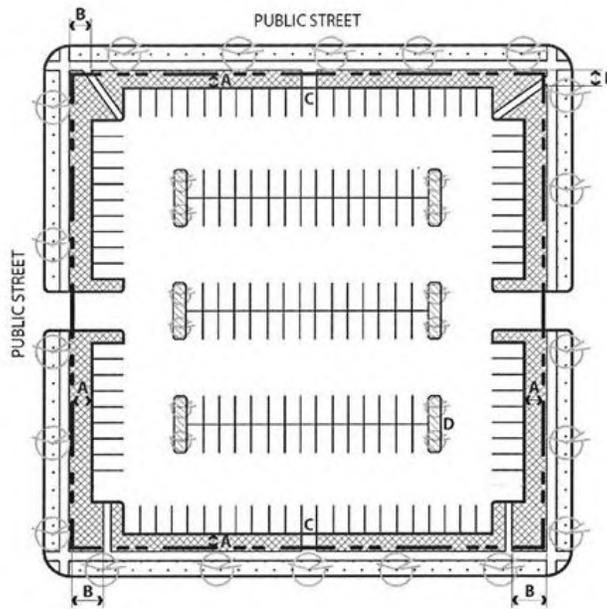
**Fig. 3b - Principal Building and Parking Facility**  
 Parking Placement to the Side of Principal Building  
 No closer to the street property line than the principal building **A**  
 No more than 60' in width **B**



**Fig. 3c - Principal Building and Parking Facility**  
 Parking Placement on a Corner Lot  
 No closer to street than rear wall of the principal building **A**

H. Surface Parking Lot Landscape Buffering:

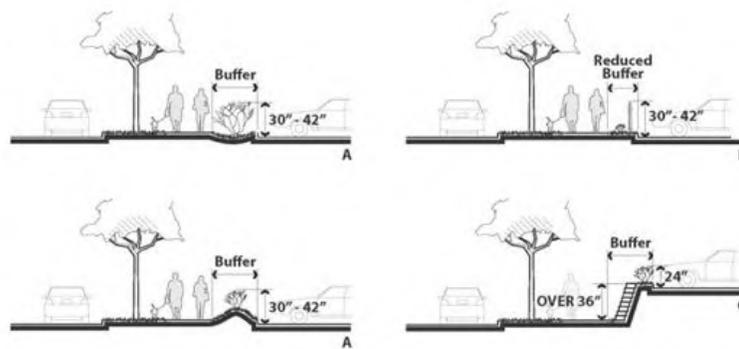
1. A surface parking lot shall be buffered with landscaping wherever the lot on which it is situated abuts a public street, sidewalk, or pathway, but not an ally. The landscape buffer area must be located between the area devoted to the surface parking spaces and the right-of-way/property line and shall be a minimum of six feet in width. The landscape buffer shall be increased to a minimum of ten feet in width along lot lines where the surface parking lot, including any area devoted to a required landscape/buffer area, abuts a street or pedestrian sidewalk or pathway for more than 150 feet. The minimum landscape buffer area adjacent to an active/pedestrian street frontage is described in section 63.427, subd.12 (D)(2).
2. A required landscape buffer area width of ten feet, as required in paragraph 1 of this clause, may be reduced in width, but to never less than six feet, if the parking lot development plan provides either one or both of the following additional provisions:
  - a. A screening wall or fence made of permanent, high-quality, durable materials, complementary in design and color to the adjacent structures in the area and of at least 30 inches but no more than 42 inches in height situated in the landscape buffer area between the surface parking lot and the required landscape hedge plantings allows a two-foot reduction in landscape buffer width;



**Fig. 4a - Surface Parking Facilities**

Design Requirements	
Buffer (see table for minimum buffer requirement)	<b>A</b>
Pedestrian access within 10' of block corner	<b>B</b>
Mid-block pedestrian access and landscape courtyard	<b>C</b>
Interior lot landscaping (see table for buffer reduction)	<b>D</b>

- b. An appropriately distributed landscape island is included within the parking lot that is adequately sized and designed to support the continued, healthy growth of a canopy tree and provided at a rate of one canopy tree for every ten parking spaces in the surface parking lot allows a two-foot reduction in landscape buffer width (see Table 1 and Figure 4a);
- c. The landscape buffer area shall be planted with the appropriate type of perennial shrubs (plants) that will grow and form a screening hedge. The planting plan to establish a hedge must include equally spaced shrubs (plants) with at least one shrub (plant) for every three linear feet of frontage. The planted shrubs must grow to a minimum height of at least 30 inches and be maintained to a height of no more than 42 inches above the adjacent grade. If the parking lot parking facility is at least three feet above the adjacent sidewalk grade, the hedge plantings may be reduced to a type that produce an established height of only 24 inches (see Figure 4b);
- d. A portion of the landscape buffer area may be used for up to ten required bicycle parking spaces so long as their location is safe for the user and the pedestrian on the abutting sidewalk and the landscape plantings displaced because of the bicycle parking are replaced somewhere else on the site.



**Fig. 4b - Surface Parking Facilities Buffer Examples**

Buffer Types	
Landscape buffer	<b>A</b>
Reduced buffer with screening wall or fence	<b>B</b>
Landscape buffer with elevation change	<b>C</b>

**H. Parking Structure/New Building Appearance Guidelines:**

1. Every façade of a new or expanded parking structure or building that faces a public street (not an alley) should be of a design that ensures that sloped floors and ramps in the parking facility do not dominate the exterior appearance of the structure or building and that vehicles within the structure or building are screened from view from the public street except where visible through entrance/exit openings on the ground floor (see Picture 1).

2. The appearance of at-grade parking areas located beneath an elevated building that face a public street (not an alley) should be shielded from street view with architectural screen, building facades, or other suitable elements (see Picture 2).
3. The façade of a new or expanded parking structure or building that is within two stories in height above the adjacent grade and fronts on a public street should be constructed with the same level of architectural detail and type of exterior materials as the principal building on the lot (see Picture 3).
4. The façade of a new or expanded parking structure or building should blend in with the overall appearance of the existing buildings lying adjacent to or directly across the street by maintaining the patterns of horizontal (story dimensions) and vertical alignment (building façade widths) of the architectural features established by the neighboring buildings (see Picture 4).
5. The design of the ground floor and second floor of a parking structure or building fronting on a public street should make every attempt to relate to the human scale through the use of high quality finishes, awnings, lighting, building projections, art, landscaping or other pedestrian-oriented features (see Pictures 5 and 6).
6. To provide for user security and public awareness, the building enclosure or facade around any stair or elevator tower for use by the general public in a new or expanded parking structure or building that is visible from a public street (not an alley), should be fifty (50)% transparent to viewers from the street (see Picture 6).



Picture 1



Picture 2



Picture 3



Picture 4



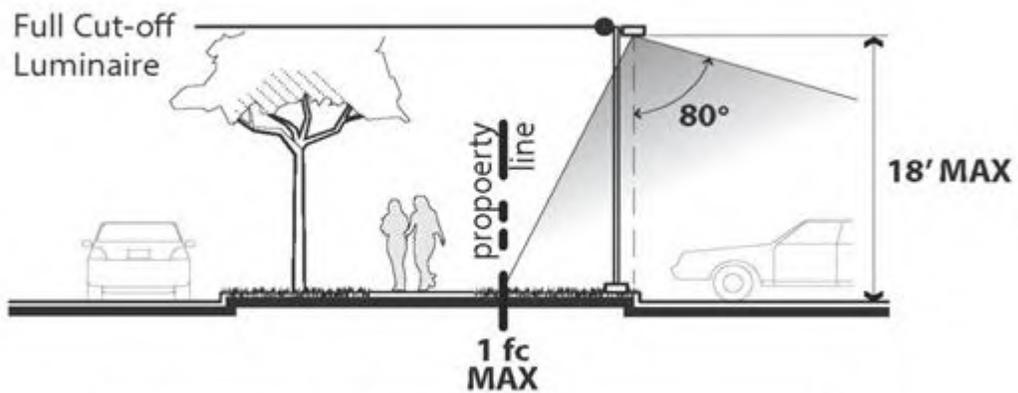
Picture 5



Picture 6

#### I. Parking Facility Lighting

1. Any exterior lighting provided for a parking facility shall utilize full-cutoff luminaires. If pole mounted, the maximum height of the luminaire shall be 18 feet with a maximum permitted illumination of one footcandle at the property line. The light source of the luminaires used for interior lighting in a parking structure or building shall be completely shielded from view by persons standing anywhere within the adjacent street right-of-way (see Figure 5).



**Fig. 5 - Parking Facility Exterior Lighting**

### **63.428 Public Parking in Private Parking Facility.**

Subdivision 1. During the predevelopment and preliminary review phases of a development including an on-site parking facility, the City will assess the site as a location for Public Parking to serve public purposes within the vicinity of the development. Such public purposes include providing additional high turnover, short term parking to meet the needs of retail and service businesses in the immediate vicinity, or parking to serve overflow parking needs generated by public facilities such as schools, libraries or event centers.

Subd. 2. During the preliminary phase of development review the City will identify the need for providing Public Parking in the proposed private parking facility. The use of proposed Public Parking in a parking facility to serve customer parking needs, but not employee parking needs, of retail or service businesses on site may be negotiated as part of the assessment the City will conduct regarding the provision of public parking. To minimally impact the design layout of the development, the city will typically look for the Public Parking component to fill out an existing parking floor plate or for an entire floor plate to be devoted to public parking use.

Subd. 3. Development agreement: If the City chooses to pursue Public Parking within a private parking facility, the city will formalize as part of the Development Agreement for the site conditions related to the inclusion of Public Parking that will address the following conditions:

- A. The number of spaces and location within the parking facility where spaces devoted to Public Parking will be located; and,
- B. Conditions that will guarantee the ability of the City to set and manage the price of the public parking spaces.

Subd. 4. For the Public Parking component of any Parking Facility, technology must be incorporated to monitor real time space utilization and feed information regarding space availability to wayfinding tools such as street-front electronic message signage or mobile phone applications that provide parking availability and pricing notifications.

### **63.429 Travel Demand Management Plan.**

Subdivision 1. Any development located within the boundary of the Destination Medical Center District Parking Overlay Zone containing more than 15,000 square feet of new or additional commercial gross floor area or more than 50 residential units shall prepare a Travel Demand Management Plan (TDMP) that addresses measures to minimize the vehicular transportation impacts of the development on parking and roadway infrastructure in the DMC District.

Subd. 2. The purpose of the TDMP is to promote more efficient utilization of existing transportation facilities, reduce the amount of parking demand associated with a project, reduce traffic congestion in the vicinity of the project, and ensure that new developments are designed in ways to maximize the potential for future alternative transportation usage. All developments have a role to play in reinforcing the commitment to transit, alternative transportation programs and services, and vehicle trip reduction in the DMC District. All development plans, regardless of size,

should make reasonable allowances for reducing parking and vehicular travel demand. While Travel Demand Management (TDM) has traditionally been used as a way to mitigate existing congestion, if applied systematically in the land development process it can serve as a means to enhance mobility and not simply as a way to relieve existing problems.

Subd. 3. Application for plan approval: Any person having a legal or equitable interest in land which requires submission of a TDMP may file an application for approval of such plan on a form approved by the zoning administrator.

Subd. 4. A TDMP shall be prepared by a qualified professional and shall be submitted with any Conditional Use Permit, Restricted Development, Incentive Development or Site Development Plan proposed in the Destination Medical Center District and shall include a description of proposed TDM strategies the property owner proposes to implement to encourage alternative travel mode use and reduction of peak period single occupant vehicle trip generation.

Subd. 5. When a Traffic Impact Study (TIS) is required for a proposed development under section 61.520, the TDMP should be incorporated into the TIS report. If a TIS is not required for a proposed development, a preliminary TDMP shall accompany the initial application for development for review, and a final TDMP shall be submitted for approval along with the final development application.

Subd. 6. As part of the review of any Conditional Use, Restricted Development, Incentive Development or Site Development Permit, the Planning Director and Public Works Director or their designated representatives will prepare a joint recommendation on the TDMP for incorporation into final approval action on any Conditional Use, Restricted Development, Incentive Development or Site Development Plan permit being reviewed. Any physical TDM improvements approved as part of the TDMP shall be reflected in the zoning certificate application and approved as part of that permit; any proposed TDM programs or services shall be described in the Development Agreement for the project, with responsibilities for costs related to implementation spelled out in the Agreement.

Subd. 7. Content of plans. Any TDMP shall contain at a minimum the following information:

- A. A description of the goals of the TDMP and how it responds to the following:
  - 1. The transportation policies of the Downtown Master Plan and DMC Plan;
  - 2. Other applicable city transportation policies and programs; and
  - 3. The purpose of the DMC-POZ as provided in section 63.427, subd. 2.
- B. A description of the transportation impacts of the development, including but not limited to:
  - 1. Estimated on-site residential population;
  - 2. Estimated overall and peak period on-site employment;

3. Projection of trip making associated with on-site uses including anticipated mode splits;
  4. Estimated parking demand and parking supply (on or off site) available or proposed; and,
  5. Anticipated transit demand and transit service available.
- C. A description of measures designed to create a built environment that enables the use of alternative modes and minimize the peak period vehicular transportation impacts of the development, including but not limited to on-site transit facilities, transit use incentives, preferential location of car pool and van pool parking, on-site bicycle facilities including secure storage areas and amenities, and other appropriate TDM strategies to minimize adjacent roadway impacts and parking supply needs. The description of mitigation measures can include a provision to market unused spaces to other users resulting from the unbundling of parking from tenant rental costs.

Subd. 8. Minimum TDMP requirements. The following shall be included in the TDMP at a minimum:

- A. Site owner will offer a Transit Pass Program to onsite residents and/or employees, subject to independent agreement with the City.
- B. Shared or community vehicle made available for use by residents of a new residential development. One or more passenger vehicles must be made available on-site with an established procedure for private use by residents. A minimum of one vehicle per 50 residential dwelling units shall be provided
- C. The on-site bicycle parking provisions of section 63.427, subd. 9(F).

### 63.430 LOCATION OF OFF-STREET PARKING

Required off-street parking spaces shall be located in relation to the use they serve according to the following requirements. Distances may be measured radially from the nearest point of the building which the parking facility is intended to serve. In the CN-NR District on lots where an alley is present to provide access, access to new off-street parking areas on the lot shall be obtained from the alley. 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.

- 63.431 **One and Two Family Dwellings:** One and two family dwellings shall provide required off-street parking on the same lot as the building it serves. Such parking may be provided in an established driveway, provided no such space extends into a right-of-way and no more than one tandem parking space is created. Garage space may be utilized in meeting the requirements.
- 63.432 **Performance Residential:** Dwellings designed with individual garages or driveways serving as parking areas shall be subject to the requirements of 63.431. Where off-street parking is provided in common parking areas, (either lots or bays), such parking shall not be further than 150 feet from the unit it serves.

- 63.433 **Multiple Family Dwellings:** Required off-street parking shall be located on the same lot as the units it serves or within 200 feet of the principal building served. Where a designated garage space is assigned to each unit, tandem spaces may be utilized provided adequate space for aisles and driveways is reserved.
- 63.434 **Other Uses:** Required off-street parking shall be located on the same lot as the use it serves or within 600 feet of the principal building served for customer parking and within 1,000 feet for employee parking.
- 63.435 **Ownership of Off-Street Parking:** Where required off-street parking is provided elsewhere than on the same lot as the use which it serves, evidence of ownership or control of the parking facility, either by deed or long term lease, shall be provided with the application for zoning certificate approval. In addition, the owner of the development shall file a recordable document with the City requiring the owner and his or her assigns to maintain the required number of off-street parking spaces during the existence of said use. Property that constitutes required off-street parking may not be separated through sale or other means from the principal use it serves unless the owner of the development files and is granted approval of a zoning certificate designating alternate off-street parking.

#### 63.440 SPECIAL LOCATIONAL PROVISIONS

The following paragraphs identify special off-street parking provisions applicable to certain developments.

- 63.441 **Commercial Parking Extension:** Required off-street parking for uses in the Central Development Core or any nonresidential district may extend into adjacent land zoned R-2, R-2x, R-3, R-4 as a Type III Conditional Use Review subject to the following regulations:
- A. A driveway providing access to the parking area from a street in the residential district shall only be permitted as a second access. The primary access must lead directly to a nonresidential street or alley serving the land in the nonresidential district. Where direct access is restricted, access shall be provided from the frontage of the commercial lot and only one access, designed for one-way traffic, shall be permitted to exit onto the residential street.
  - B. All commercial activity shall be oriented toward the frontage on the street in the nonresidential district.
  - C. A buffer equal in intensity to Bufferyard F listed in Section 63.265 shall be provided along each property line which abuts a residentially zoned property.
  - D. Parking shall be set back from the lot lines a distance equal to the setbacks required for commercial uses allowed in that zoning district unless a greater setback is required by other provisions in this Code. If the parking is located along a side street yard which is adjacent to a front yard of an adjacent residential uses, the parking shall not be closer than 20 feet to an established street right-of-way line. Unless a greater Bufferyard is required

by other provisions of this Code, a “D” Bufferyard must be established along the parking lot.

- E. Commercial parking extension parking areas must meet the design standards specified in Section 63.455 (1), (H), (5) – (7).
- F. Two-way drive aisles must be a minimum width of 18 feet.

63.442 **Collective Provision of Parking:** Nothing shall be construed to prevent the collective provision of off-street parking for two or more developments, provided that the total of such parking shall not be less than the sum of the requirements for the various developments computed separately, and also that the locational requirements as to maximum distance from the building are met.

### 63.450 PARKING FACILITY DESIGN PARAMETERS

The design of a off-street parking facility will be a function of six parameters. These six are:

- 1) The total number of spaces required
- 2) The percentage of total spaces devoted to small cars and standard size cars.
- 3) The percentage of spaces designed for long term and short term parking.
- 4) The size of the spaces.
- 5) Aisle widths based on the angle of parking utilized.
- 6) Required screening and setbacks.

The following paragraphs in this section identify the requirements applicable to parameters (1) through (6). The total number of spaces are computed from the zoning district table as spelled out in Paragraph 63.421 above.

63.451 **Small Car Percentage:** In any parking facility providing over five spaces a percentage of the total spaces may be designed and marked for small cars according to the following schedule:

Total Spaces Required	Maximum Percentage of Small Car Spaces
5-99	30%
100-149	40%
150 or more	50%

63.452 **Long Term and Short Term Parking Ratio:** In any parking facility providing over five spaces a percentage of the small car spaces and a percentage of the standard car spaces may be designed to accommodate long term and short term parkers through the use of different stall dimensions according to the following schedule:

Use Type	Percentage of Spaces For Long Term Parking	Percentage of Spaces for Short Term Parking
Offices	80%	20%
Industrial	90%	10%
Retail	20%	80%
Recreational	0%	100%
Residential	0%	100%

63.453 **Size of Spaces:** The following schedule identifies the size of spaces to be provided. Stall dimensions differ according to whether they are designed for small or standard size cars and whether they are designed for short term or long term parking.

TYPE OF PARKING		
Size of Car	Short Term	Long Term
Small	7' 6" x 15' 0"	7' 3" x 15' 0'
Standard	8' 8" x 17' 0"	8' 4" x 17' 0"

63.454 **Aisle Widths:** The following schedule identifies the minimum aisle widths to be utilized within a parking facility based on the angle of parking provided and whether the aisle services one-way or two-way vehicular traffic.

Width of Aisle For One-Way Traffic Serving			Width of Aisle For Two-Way Traffic Serving	
Angle of Parking	Standard Size Cars	Small Cars	Standard Size Cars	Small Cars
Parallel	10 FT.	8 FT.	21 FT.	14 FT.
30	10 FT.	8 FT.	21 FT.	14 FT.
45	12 FT.	10 FT.	23 FT.	16 FT.
60	18 FT.	12 FT.	25 FT.	18 FT.
90	22 FT.	15 FT.	25 FT.	18 FT.

In all cases where an aisle serves two or more angle of parking or two sizes of car, the largest minimum aisle width shall apply.

63.455 **Parking Setbacks:** Subdivision 1. Off-street parking spaces may be located on a lot according to the rules provided in this section:

Subd. 2. In a Residential District:

- A. In the rear yard and in the CN-NR District at-grade, unstructured, off-street parking areas may be located in the rear yard if situated so as to be separated from the dwelling on the lot and any side lot line shared with another residential use by at least six feet.
- B. In a side yard if the yard is at least eight feet in width and the parking area is paved.

- C. In the required front yard or side street side yard on an established driveway. All driveways must lead to a garage or to off-street parking spaces that meet the provisions of this ordinance.
- D. One additional space may be provided outside of the driveway if the following conditions are met:
  - 1. The space is covered by pavement. Paving may include permeable surfaces (excluding gravel), concrete, blacktop, and Hollywood driveways (parallel paved tracks separated by a grass strip).
  - 2. The space is not in that part of the required front yard or side street yard in front of the dwelling located upon the lot.
  - 3. The area of the space does not cover more than 20% of the front yard or side street side yard.
  - 4. Access to the space is from the driveway and not the result of a separate or wider curb cut.
  - 5. The space is landscaped along the side away from the established driveway with a minimum of five shrubs meeting the requirements of section 63.154. There must be adequate area between the driveway and the side lot line to allow room for the shrubs to grow on the property.
- E. The zoning administrator may permit the encroachment of circulation aisles into the front yard for a multifamily residential use when such arrangement will permit the development of a larger, more usable open space on the site. These aisles must not cover more than 50% of the front yard and must not be closer than eight feet to the right-of-way line. Landscaping shall be provided between the aisles and the right-of-way equal in intensity to Bufferyard D as defined in section 63.265 for every 65 feet of frontage. If circulation aisles are abutting and provide immediate access to parking stalls, the drive aisles must be located outside of the required front yard.
- F. The zoning administrator may permit the establishment of a circular driveway for lots containing single family detached dwellings or duplexes if all of the following conditions are met:
  - 1. The Public Works Department issues a driveway permit allowing no more than two driveway entries to the property.
  - 2. One leg of the driveway must lead to an attached or detached garage.
  - 3. Parking is permitted only within the buildable area of the lot. That part of the driveway that is located in the buildable area of the lot shall not exceed 30% of that area which is between

the front or side street building line and a line which is along the closest wall of the dwelling to that building line.

4. One shrub per five linear feet shall be provided in the landscaped circle area that is in front of that part of the driveway in the buildable area of the lot.
  5. A circle driveway will only be allowed where the front or, if located on a corner lot, side street lot lines are at least 90 feet in length. When located on a corner lot and when the circle driveway access goes across both the front lot line and the side street lot line, no circle drive will be allowed when either the front or the side street lot lines are less than 80 feet in length. Also, when located on a corner lot, no circle driveway will allow parking that is closer than 25 feet to the side street lot line.
  6. The driveway access shall meet the required separation requirements in section 64.143. Also, the separation between the legs of the circle driveway shall be no less than 40 feet measured at the front or side street lot line.
  7. That part of a circle driveway that is outside of the driveway which directly leads to a garage shall not exceed 18 feet in width.
- G. Parking for area accessory developments and other permitted commercial uses in a residential district shall be set back from the lot lines a distance equal to the setbacks required for commercial uses allowed in that zoning district unless a greater setback is required by other provisions in this Code. If the parking is located along a side street yard which is adjacent to a front yard of an adjacent residential use, the parking shall not be closer than 20 feet to an established street right-of-way line. If in the R-Sa District, the parking must be set back from the front and side street lot lines a distance equal to the front and side street setbacks required for residential uses in the District. The parking lot may not surround the principal building on the lot. Unless a greater Bufferyard is required by other provisions of this Code, a "D" Bufferyard shall be established along the parking area. Two-way drive aisles must be a minimum width of 18 feet. Parking for area accessory developments must meet the design standards specified in clause H, paragraphs 5 – 7.
- H. Multi-Family residential parking and drive aisles:
1. No parking lot or driveway shall be placed closer than six feet to any multi-family dwelling unless accessing an attached garage.
  2. Driveways and parking lots shall not be placed closer than five feet to any interior side or rear lot line unless leading directly into a garage. When the multi-family dwelling is part of a

multi-lot development (under either one or multiple ownership) and common parking and drive aisles are provided for the development, this parking and drive aisle setback shall not apply, but will apply only to the exterior rear and side lot lines of the development. As required in section 63.260, no driveway (other than an approved driveway providing street access) or parking area shall be located within a required bufferyard.

3. The front and side-street parking setbacks for residential uses in the R-3 or R-4 Districts are the minimum setbacks for a building up to 30 feet in height found in section 62.286(1) and in no case closer than ten feet to a side-street lot line.
4. A driveway accessing a parking area in the rear or side yard of a multi-family dwelling must have a minimum width of 12 feet for three to six-plex units and 18 feet for other multiple family buildings.
5. If located along a front or side street yard, a parking area, which has two parallel rows of parking and have twenty or more consecutive parking spaces in either row, must provide a Bufferyard "D" along the front or side street lot line and provide one eight-foot by 17-foot landscaped projection into the parking area for every 20 parking spaces located adjacent to the front or side street lot line. The landscaped projection must be located such that parking spaces are located on both sides of the projection.
6. Parking lots containing more than 20 spaces and containing more than two adjacent rows of parking shall have an internal landscape area within the parking lot equal to at least five percent of the paved area of the lot (including drive aisles and driveways). Paved areas do not include sidewalks, patios or other paved areas not associated with vehicle parking or circulation. These areas must be distributed throughout the parking areas and must have minimum width of eight feet and be at least 100 square feet in area. Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (see section 63.154 for minimum plant sizes). The landscape islands must be protected by permanent curbing or other methods to control vehicle encroachment. The landscape islands shall not be used for the piling of snow. All plantings must be maintained in a healthy condition and appearance. Up to 50% of the area of the landscape islands may be counted toward meeting the required landscape area for the site. However, all of the area of the internal landscape islands that is over the required five percent will count toward meeting the required landscape area for the site. These areas can contain external lighting fixtures.
7. A parking lot that has a dead end shall provide a turnout

at the end of the parking lot. The turnout shall be at least 25 feet wide by four feet in depth.

- I. All driveways, drive aisles and parking spaces must be paved for any residential use other than a single family detached dwelling. Unless otherwise specified in this Code, parking and driveways for single family detached dwellings may be of an all-weather durable surface. However, if a driveway leads to a garage on the property, the driveway must be paved. All-weather durable surfaces must be maintained so that no surface material is tracked or allowed to wash onto any public sidewalks, streets or neighboring properties.

Subd. 3. **In a Nonresidential District:**

- A. In the rear yard or side yard.
- B. In the front yard or side street side yard to within eight feet of the right-of-way line. The eight foot strip shall be landscaped with a minimum of one shrub for every five linear feet of frontage which can be grouped together into designed planting areas. All shrubs must meet the minimum size requirements of section 63.150. The eight foot width may be reduced where a berm a minimum of four feet in height or a hedgerow meeting the requirements of section 63.154 is provided.
- C. Parking in the front yard of a nonresidential district which is within 50 feet of an adjacent front yard or side street side yard in a residential district shall not be closer than 20 feet to an established street right-of-way line.

Subd. 4. **Violations**

- A. No person may construct, improve or otherwise locate a parking space except as provided herein.
- B. No person may park in an off-street parking space or location not specifically allowed by the provisions of this section.
- C. Any violation of this section is a misdemeanor.

63.456 **Screening:** When parking areas for more than six vehicles are developed on a lot adjacent to a lot zoned R-1, CN-NR, R-1x, R-2 or R-Sa, or used for single family detached, single family attached, duplex, church, school, or Type I Group Residential Care, screening equal in magnitude to Bufferyard G as defined in paragraph 65.720 shall be established along the property line to screen the adjacent use from the parking area.

63.457 **General Design Requirements:** The following requirements shall apply to all off-street parking except that for one and two family dwellings:

- 1) Parking spaces, aisles and driveways shall be paved with asphalt or comparable all-weather, dust free surfacing.
- 2) Parking areas shall have provision made for the on-site collection of drainage to eliminate sheet flow of such waters onto sidewalks, public right-of-ways and abutting private property.
- 3) Lighting of parking areas shall be directed or deflected so as not to shine directly onto adjacent dwellings or cause hazards to motorists on adjacent streets.
- 4) Spaces shall be striped or marked.
- 5) Wheel stops or bumper guards shall be provided where appropriate for spaces abutting a property line so that no vehicle will overhang a public right-of-way or other property line.

63.458 **Alleys:** Subdivision 1. Off-street parking spaces accessed directly from an alley are permitted only at a 90° angle to the alley right-of-way.

Subd. 2. In residential zoning districts (as defined in 62.310) off-street parking spaces shall be setback at least eight (8) feet from adjacent side or rear yards, allowing access only from the alley, and shall be limited to three (3) or less parking spaces, and shall not be tandem parking, and

- 1) A landscape buffer area at least the depth of the parking spaces shall be established in the eight (8) feet setback from adjacent side or rear yards. The landscape buffer area shall be planted with the appropriate type of perennial shrubs (plants) that will grow and form a screening hedge. The planting plan to establish a hedge must include equally spaced shrubs (plants) with at least one shrub (plant) for every three linear feet of frontage. The planted shrubs must grow to a minimum height of at least 30 inches and be maintained to a height of no more than 42 inches above the adjacent grade, and
- 2) The site shall conform to the requirements of 63.500 Traffic Visibility Standards, and

63.459 **Front Yard Parking – Performance Standards:** Subdivision 1. The purpose of this section is to regulate the location of surface parking on existing lots in residential zoning districts. The City has regulated front and side yard parking as part of the zoning ordinance since 1966. Therefore, parking outside of a driveway and garage that is not in conformance with the Zoning Ordinance and Land Development Manual adopted in 1992 is considered a non-approved use of a residential lot and must be brought into conformance with the current standards.

Subd. 2. Exceptions to this section exist only when front or side street yard parking in a residential zoning district has been approved as a part of a development review process including a variance, conditional use permit, planned unit development, incentive or restricted use development. This section is further supported by Section 134.11(3).

Subd. 3. Complying with the performance standards. All non-compliant front yard parking must be brought into compliance with the provisions of

Section 63.455 at the time a zoning certificate is required for planned improvements of the property or at the time that a city rental certificate is issued. When a property owner cannot comply with Section 63.455, the applicant may apply for an alternative review.

Subd. 4. Procedure.

- (1) Zoning Certificate. Following notification of a property owner for non-compliance with Section 63.455, the property owner must apply for a zoning certificate. The applicant must submit a site plan that is consistent with Section 63.455 with the zoning certificate. The property owner must comply with the approved site plan and zoning certificate.
- (2) Alternative Review: When a property owner is unable to relocate the parking area on a lot that is in compliance with Section 63.455 due to the property's physical limitations, including lot width or depth, building location or easements, the property owner must apply for a Type I Design Modification. The property owner must satisfy all of the site performance standards.

Subd. 5. Site Performance Standards. Non-compliant front yard parking must meet the minimum site performance standards of this subdivision when an alternative review is approved.

- (1) Location of Parking: Parking spaces must abut the existing driveway that leads directly to the public street. The parking spaces must be setback from the front lot line and the side street side yard lot line the minimum distance required for that use in the applicable zoning district and six feet from a side lot line. The minimum distance from the parking area to the side yard opposite the driveway must be at least half the length of the principal building as measured from side yard to side yard.
- (2) Lot Coverage: The parking spaces that are located in a front yard may not cover more than:
  - (a) 25% of the required front yard, or no more than 300 square feet, whichever is less, in the R-Sa, R-1, CN-NR\_ and R-1X districts.;
  - (b) 25% of the required front yard in the R-2, R-3 or R-4 districts.
- (3) Access: Access to the parking space must be directly from an established driveway. Driveway width at the boulevard must not be expanded.
- (4) Surface Materials: The parking area must be paved and bordered by a curb, fence or other similar features to prevent parking beyond the intended parking area.

- (5) Landscaping adjacent to parking areas: The parking area located in a front yard must be screened. The landscaping must comply with the standards provided in Section 63.154. A landscaped berm may serve as a screen with Bufferyard "D" landscaping requirements or a hedge with plants located at four feet on center surrounding the parking area, except the connection to the driveway.
- (6) Landscaping of other yard areas: Except for patio and similar areas, areas of yards not established as parking areas must be maintained in a landscaped condition including turf, shrubbery or other vegetative materials.
- (7) Number of spaces: There shall be no more spaces provided on the property than the number required for the use by this Code. When a property is non-conforming due to the number of parking spaces the standards of Section 65.600 will apply.
- (8) Use: Any such parking must not be used for the parking of trailers, recreational vehicles or other recreational or commercial equipment.

### **63.460 OFF-STREET LOADING**

Loading areas for uses which are involved in the shipment of goods, which receive merchandise or materials, or which need areas for the pickup/drop-off of persons, shall be provided in numbers sufficient to handle anticipated traffic, based on the characteristics of the shipping/receiving practices.

- 1) The factors the Zoning Administrator shall consider in determining whether a loading area is required are:
  - a) The amount of vehicle traffic devoted to loading/unloading activity.
  - b) The possible interference with traffic movement or off-street parking the lack of separate loading area would create.
- 2) The factors the Zoning Administrator shall consider is determining the number of separate loading areas to require are:
  - a) The nature of the loading activity (receiving only, shipping only, loading of persons, etc.).
  - b) The frequency of deliveries or shipments.
  - c) The amount of time it takes to load or unload.
  - d) The time of day the loading activity will occur.

63.461 The standard size of the loading area shall be a minimum of ten (10) feet in width, 25 feet in length, with an unobstructed height of 14 feet. The Zoning Administrator may permit a smaller area when presented with factual evidence indicating vehicles

of smaller size will be used. Where shipments or deliveries are made via tractor-trailer combinations, a larger loading area commensurate with anticipated vehicle size may be required.

- 63.462 Loading areas within a public right-of-way shall be acceptable provided the road authority has agreed to designate and post the loading area for such use. Where the loading activity involves the movement of goods, safety hazards to vehicles and pedestrians within the right-of-way should be minimized.
- 63.463 Off-street loading areas shall not occupy any part of a required front yard.
- 63.464 Loading areas and driveways/aisles serving the loading area shall be improved with a durable material to control dust and drainage.
- 63.465 Required loading areas shall be ready for use at the time of final building inspection and permanently maintained for the life of the use.
- 63.466 In reviewing the proposed location of loading areas (off -street) , the Zoning Administrator shall be guided by the following principles:
- 1) The loading area shall be located so that loading/unloading activity does not create interference in any public street right-of-way for vehicles.
  - 2) Vehicle movements necessary to maneuver a vehicle into a loading area shall be planned so as not to require multiple backing or turning movements on any collector, arterial or expressway . Deliveries shall be scheduled so as not to occur during peak hour periods on any collector, arterial or expressway.
  - 3) Utilization of loading areas shall not interfere with any required off-street parking space or driveway/aisles providing access to such space (Loading of a short term nature may occupy one lane of a two-way aisle).

#### **63.470 COORDINATED PARKING AND LOADING MANAGEMENT PLAN**

The Commission and Council may consider for approval an integrated plan for the management of parking and loading facilities which necessitate modifications to standard ordinance regulations for any development with unique characteristics of operation, employment or site layout.

- 63.471 **Procedure:** The application for approval of a Parking and Loading Management Plan shall be processed through the Type III, Phase III, Review Procedure with the Commission as the designated hearing body. A fee, as specified in paragraph 60.175, and submission materials describing the proposal and including justification for approval shall accompany the application.
- 63.472 The Commission and Council shall find that the proposed management plan justifies the requested modifications to standard parking and loading requirements of this ordinance based on the presence or implementation of features such as:
- 1) Use of shuttle services for employees or customers;

- 2) Construction of enclosed pedestrian ways or connection to a public system of enclosed pedestrian facilities;
  - 3) Integrated goods delivery within the development complex;
  - 4) Employer efforts to encourage transit or ride sharing or other means of reducing off-street parking demand.
  - 5) Other features deemed by the Commission and Council to reduce off-street or on-street parking or loading demand.
- 63.473 An individual owner or a group of individual owners acting together as one applicant may submit an application for approval of a Parking and Loading Management Plan.

## 63.500 TRAFFIC VISIBILITY STANDARDS

A Traffic Visibility Zone shall be maintained on each corner of property at the intersection of two streets, a street and an alley, a street and a railroad, and also at the point where driveways, private drives, or entrances to common parking areas intersect with a public or private street right-of-way. The Traffic Visibility Zone is a triangular area which shall be kept free of visual obstructions as per the requirements of Section 63.502.

### 63.501 Definitions:

For the purpose of this section, the following definition is established:

- A. **Reference Line:** The reference line of any public or private street is the one line of the following two described lines which is located closer to the existing right-of-way line:
- 1) a line within the right-of-way that is parallel to and five feet inside of the right-of-way line.
  - 2) the line created by the existing curb location parallel to the right-of way line.

### 63.502 Character of Traffic Visibility Zone:

A Traffic Visibility Zone shall contain no fence, structure, earth bank, hedge, planting, wall or other obstruction between a height of two and one-half (2 1/2) feet and nine (9) feet above the elevation of the abutting roadway as established by the City Engineer. The following are exempted from this provision:

- A. Public utility poles.
- B. Trees trimmed (to the trunk) to a height at least nine (9) feet above the level of the intersection.
- C. Other plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave in all seasons a clear and unobstructed cross-view.
- D. A supporting member or appurtenance to a permanent building lawfully existing on the effective date of this ordinance.
- E. Official warning signs or signals.
- F. Signs mounted ten (10) feet or more above the elevation of the abutting roadway with supports that do not encroach on the clear-vision area.

In addition, the City Engineer shall waive this provision where the finished grade is such that there can be no cross visibility at the intersection.

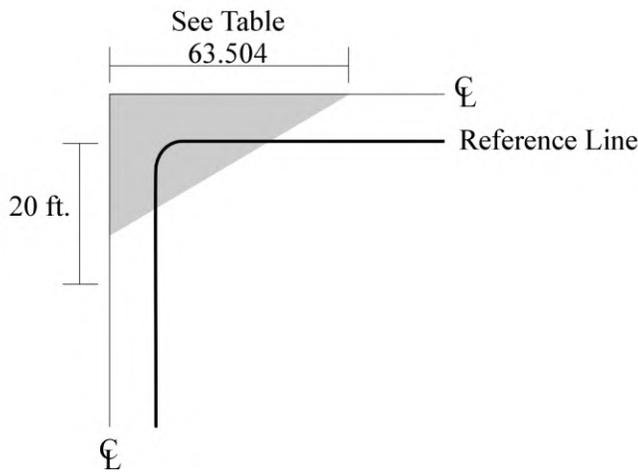
**63.503 Exemption:**

The requirements for Traffic Visibility Zones shall not apply in the Central Business District area of the Central Development Core (CDC) District or any TOD Node in the TOD District..

**63.504 Traffic Visibility Zones for Intersecting Streets:**

A Traffic Visibility Zone shall be maintained at the intersection of two streets or a street and an alley within the triangular area described by the line connecting the following points: (see Figure 63.504)

**Figure 63.504: Traffic Visibility Zone (2-Way Stop)**



- 1) the point created by the intersection of the centerlines of the two streets or street and alley;
- 2) the point along the centerline of the lower order street or alley which is twenty (20) feet from the intersection of the centerline of the lower order street or alley and the reference line of the higher order street;
- 3) a point along the centerline of the higher order street which is located the distance from point 1 indicated in the table below:

**Table 63.504**

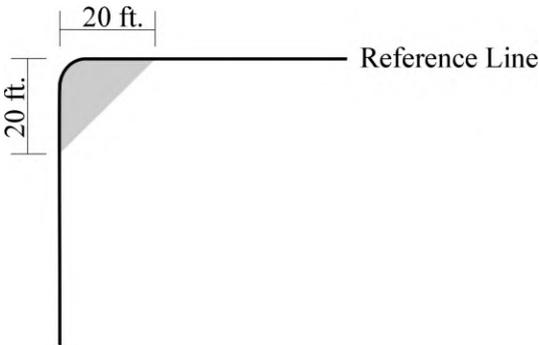
Higher Order Street Type	Distance (feet)
Expressways	400 feet
Arterials	300 feet
Collectors	200 feet
All Local and private streets with more than 1,000 adt*	150 feet
All Local Streets and Alleys with 1,000 or fewer adt*	100 feet

\*adt - average daily trips

**63.505 Traffic Visibility Zone, Intersections with Signals, or with Stop Signs on all Four Corners:**

Where two streets intersect at a signalized intersection or at a four way stop intersection, the triangular area for traffic visibility shall be described by the lines connecting the following points except that the distances may be reduced to 10 feet within the Central Development Core: (see Figure 63.505)

Figure 63.505: Traffic Visibility Zone (signalized or 4-way stop)



- 1) The intersection of the reference lines of each street;
- 2) Points located along each reference line located twenty (20) feet from point (1).

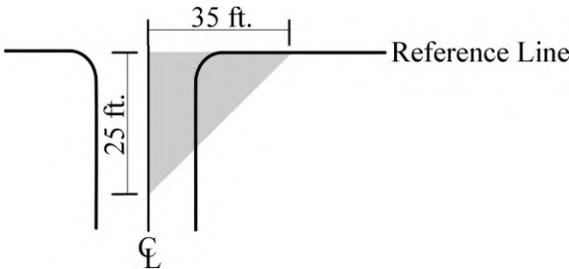
**63.506 Traffic Visibility, Streets of Same Class:**

When two streets of the same class intersect, separate traffic visibility zones for each street shall be defined by applying the principles of Section 63.504 to each street by defining, in turn, each street as the higher order street.

**63.507 Traffic Visibility Zone, Common Parking Areas:**

A traffic visibility zone shall be maintained at the intersection of any street and private driveway serving five or more parking spaces. Such area shall be defined by the lines connecting the following points: (see Figure 63.507)

Figure 63.507: Traffic Visibility Zone (parking areas)



- 1) the point where the centerline of the drive intersects the reference line of the street;
- 2) the point thirty-five (35) feet from point (1) along the reference line in the direction of approaching traffic;
- 3) the point twenty-five (25) feet toward the interior of the property along the midline of the driveway from point (1).

### **63.520 STANDARDS**

A Traffic Visibility Zone shall be maintained on each corner of property at the intersection of two streets, a street and an alley, a street and a railroad, and also at the point where driveways, private drives, or entrances to common parking areas intersect with a public or private street right-of-way. The Traffic Visibility Zone is a triangular area which shall be kept free of visual obstructions as per the requirements of paragraph 63.502.

### **63.530 ACCESS FOR EMERGENCY VEHICLES**

The purpose of this Section is to ensure that all premises shall be readily accessible for emergency service vehicles, particularly fire-fighting equipment.

**63.531 Emergency Access Required:** All developments which do not have frontage on a public street shall provide access for fire vehicles and emergency apparatus from a public street as follows:

- 1) A dead-end access exceeding one hundred-fifty (150) feet in length shall be provided with a turning radius or area as approved by the fire chief.
- 2) Except as provided by "C" below, a fire lane shall be required to provide access to any portion of any structure which is more than:
  - a) one hundred and fifty (150) feet from the nearest street right-of-way when the structure is thirty (30) feet or less in height; or
  - b) fifty (50) feet from the nearest street right-of-way when the structure exceeds thirty (30) feet in height.
- 3) When fire vehicles and emergency apparatus are provided access to any portion of a structure more than the distance from a street right-of-way specified in the subsection above, by means of either bufferyard area or adjoining property, the requirements of (2) may be waived by the fire chief.
- 4) In addition to the situations above which require a fire lane, a fire lane to provide access to any part of a building may also be required if the zoning administrator determines that the distance of a structure from the nearest hydrant, the configuration of structures on a site, or other special characteristics of the site otherwise inhibit rapid, effective fire extinguishment.
- 5) The Zoning Administrator in consultation with the fire chief, may determine that the public health and safety require fire lanes in addition to private fire protection

facilities required by the Building Code for any structure classified as a high hazard use; any structure to be occupied by uses which involve extreme risks of fire, smoke, explosion, or toxic gas; or structures to be used as places of assembly for large congregations of people.

- 63.532 **Fire Lane or Fire Apparatus Access Road Standards:** Refer to the Rochester Fire Code in Chapter 55 of the Rochester Code of Ordinances for the standards and requirements.
- 63.533 **Alternatives to Fire Access Lanes:** In lieu of meeting the standards specified above, a developer may substitute alternative means (including but not limited to fire resistant roofs, fire separation walls, space separation, and automatic fire extinguishing systems) to mitigate risks from fires. Such alternative means shall suffice to meet the requirements of this section, provided that the fire chief of the City concurs.
- 63.534 **Damage to Utilities in Fire Lanes:** The City of Rochester shall not be liable for damage to underground utilities beneath fire access lanes caused by fire fighting equipment.

## 63.600 INDUSTRIAL PERFORMANCE STANDARDS

Industrial Performance Standards are intended to identify acceptable levels of hazard or nuisance that may be created by the use of land or structures in the various zoning districts. The use of land or structures is permitted (subject to other ordinance requirements) if the level of hazard or nuisance does not exceed the applicable standards established in this Article.

- 63.601 The standards of performance established by the article apply uniformly to all uses even though non-industrial uses are unlikely to be in conflict therewith. The Zoning Administrator shall review all zoning certificate applications for compliance with the standards of this Article. The provision for enforcement of compliance with the Industrial Performance Standards may be invoked by the Zoning Administrator against any existing use if there are reasonable grounds to believe that the standards are being violated by such use.

### 63.610 APPLICATION OF STANDARDS

If in the judgment of the zoning administrator a proposed use appears likely to require control measures to prevent violation of industrial performance standards, the applicant shall submit along with the application for a zoning certificate a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of the objectionable elements. The fee for such application shall be as provided in Paragraph 60.175 plus the cost of the special reports required below.

- 63.611 **Report by Specialists:** The zoning administrator may refer the application to one or more qualified specialists for investigation and report as to whether a proposed use will conform to the applicable performance standards. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.
- 63.612 **Review by Zoning Administrator:** The zoning administrator shall decide whether the proposed use will conform to the applicable performance standards within 15 days of receipt of the consultant's report, and on such basis shall authorize or refuse to authorize issuance of a zoning certificate or may require modification of the proposed plan of construction, or specifications, proposed equipment, or operation. Any zoning certificate so authorized and issued shall be conditioned upon, among other things, the following:
- 1) that the applicant's buildings and installations when completed will conform in operation to the applicable performance standards; and
  - 2) that the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the zoning administrator to advise the city as to whether or not the applicant's completed buildings and installation in operation will meet said applicable performance standards.
- 63.613 **Continued Enforcement:** The zoning administrator shall investigate any purported violation of performance standards, and if there is reasonable ground for the same, shall serve the owner with a written notice of violation thereof. If it should become necessary for the city to employ the services of any qualified expert to advise in

establishing a violation, his fee shall be paid by the violator if said violation is established, otherwise it shall be paid by the City.

63.614 **Points of Measurement:** Unless otherwise noted within the regulations of this section, the measurements necessary for enforcement of performance standards levels set forth in this section shall be taken at the property line boundary of the use being considered for a zoning certificate or possible violation notice.

### **63.620 STATE AND FEDERAL REQUIREMENTS**

The City of Rochester shall have the authority to enforce applicable State and Federal regulations in matters concerning the following type of Industrial nuisance:

- 1) Radioactivity, electrical disturbance, radiation;
- 2) Odors resulting from liquid, air or solid waste discharge;
- 3) Liquid and solid waste discharges and disposal;
- 4) Toxic matter discharge or disposal;
- 5) Heat discharge and emission;
- 6) Fire and explosion hazards;
- 7) Emission of particulates.

63.621 In the application of Performance Standards adopted by different units of government or governmental agencies, the more stringent standards shall apply for purposes of regulation.

### **63.630 LOCAL INDUSTRIAL PERFORMANCE STANDARDS**

The City of Rochester shall enforce the following standards for industrial nuisance where the regulations are not superseded by more stringent State, Federal or other local standards.

63.631 **Odors:** In those instances where Federal and State regulations are not applicable, no use in an M-1 or M-2 District shall emit any continuous, frequent, or repetitive odor or odor causing substances which is detectable at or beyond the point of measurement. An odor which is emitted no more than 15 minutes in any one day nor more than two days out of the calendar month shall not be deemed to be continuous, frequent, or repetitive under this subsection. The existence of an odor shall be presumed when the concentration of the odor causing substance in the air at or beyond the point of measurement exceeds the lowest concentration listed as the odor threshold for such a substance in TABLE III, ODOR THRESHOLDS, appearing in Chapter 5 "Physiological Effects", "The Air Pollution Abatement Manual", Manufacturing Chemists' Association (1952) or any subsequent amendments or revisions thereto. Substances which are not listed in that table shall not be deemed to be odorous unless analysis by a competent chemist demonstrates that a discernible odor is being emitted. Uses which are required by state or federal regulations to obtain state or federal level air quality permits are prohibited in any

district other than the M-1 or M-2 districts except where authorized as part of a restricted development.

- 63.632 **Heat:** Where the Federal and State regulations are not applicable, no continuous, frequent, or repetitive discharge or emission of heat shall be allowed if it increases the ambient air or water temperature by one degree centigrade (1 degree C) or more or beyond the lot line by one degree centigrade (1 degree C) or more or beyond the lot line of the property from which it is being emitted or discharged.
- 63.633 **Fire and Explosion Hazards:** All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited.
- 63.634 **Glare:** In the M-1 and M-2 districts, no direct or sky reflected glare, whether from flood lights or from high temperature processes, such as combustion or welding, shall cause illumination in excess of 0.5 foot-candles at the point of measurement.

In all other districts, no operation or activity shall be conducted so that any glare, whether direct or reflected, is visible at the point of measurement.

- 63.635 **Smoke:** Measurement of smoke shall be at the point of emission. The Ringleman Smoke Chart published by the United States Bureau of Mines shall be used for the measurement of smoke. the following table indicates for the various zoning districts the acceptable level of smoke emissions. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

Zoning District	Maximum Level of Emission	Exception
R-1, CN-NR, R-1x, R-2, R-3, R-4, and Developing Residential Areas	Ringleman No. 0	None
B-1, B-4, CDC, M-3, MRD	Ringleman No. 1	Smoke of a Shade Equal to No. 2 on the Chart may be Emitted for a Total of Eight Minutes during any one hour period.
M-1, M-2	Ringleman No. 2	Smoke of a Shade Equal to No. 3 on the Chart may be Emitted for a Total of Eight Minutes during any one hour period.

- 63.636 **Particulates:** No solid or liquid particles shall be emitted at any point in concentrations to exceed 0.1 grains per cubic feet of conveying gas in any residential district and 0.3 grains per cubic feet of conveying gas in any other district. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and fifty (50%) percent excess air.

## 63.640 VIBRATION

Vibration, as used in this ordinance, refers to ground transmitted oscillations. For the purpose of identifying and measuring different types of vibration, the following definitions shall apply:

- 1) **“Amplitude”**: The maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.
- 2) **“Discrete Impulses”**: A ground transmitted vibration stemming from a source where specific impulses do not exceed sixty (60) per minute or one (1) per second.
- 3) **“Frequency”**: The number of times that a displacement completely repeats itself in one (1) second of time. Frequency shall be expressed in cycles per second (cps) or hertz (Hz).
- 4) **“Impact”**: An earthborn vibration generally produced by two or more objects striking each other so as to cause separate and distinct pulses.

63.641 Ground transmitted vibration shall be measured at the point of measurement using a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three mutually perpendicular directions.

63.642 Vibration shall not exceed the following levels:

Maximum Peak Particle Velocity in Inches per Second	When the Lot is Adjacent to:
0.02 (7 a.m. - 9 p.m.) 0.01 (9 p.m. - 7 a.m.)	R-1, CN-NR, R-1x, R-2, R-3, R-4, MRD, and Developing Residential Areas
0.05	B-1, B-4, M-1, CDC, M-3
0.10	M-2

63.643 The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as six and twenty-eight hundredths (6.28) times the displacement in inches multiplied by frequency in cycles per second. Steady state vibrations are ones which are continuous or in discrete impulses of more than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations. Impact vibrations are limited to values which are no greater than twice those specified above.

## 63.650 NOISE

Noise level readings shall be taken at the point of measurement. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity. The sound pressure level of noise in an octave band frequency radiated continuously from a facility shall not exceed the following values:

### PERMITTED NOISE LEVELS

Duration of Sound	7 a.m. - 6 p.m. (all districts)	6 p.m - 10 p.m. (residential districts) or 6 p.m. - 7 a.m. (all other districts)	10 p.m. - 7 a.m. (residential districts)
Less than 10 minutes	75 db	70 db	60 db
Between 10 minutes and 2 hours	70 db	60 db	50 db
In excess of 2 hours	60 db	50 db	40 db

Values in this table are subject to the correction factors listed in Paragraph 63.651. Sounds in excess of the residential district limitations as measured in a residential district violate this section whether the sound originates in a residential district or any other district.

- 63.651 If the noise is not smooth and continuous, one or more of the corrections which follow shall be added or subtracted from the applicable decibel level given in the preceding paragraph.

Type of Operation of Character of Noise	Correction in Decibels
Noise source operates less than 20% of any one hour period	Plus 5*
Noise source operates less than 5% of any one hour period	Plus 10*
Noise source operates less than 1% of any one hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

\* Apply one of these corrections only.

- 63.652 **Exceptions to Noise Level Standards:** Sounds emerging from the operation of (1) motor vehicles on a public highway; (2) aircraft; (3) outdoor implements such as power lawn mowers, snowblowers, power hedge clippers and power saws; (4) emergency equipment of any kind; (5) maintenance equipment operated by a public agency or utility; and (6) pile drivers or jackhammers and other construction equipment, are exempt from the provisions of this section. Sounds emanating from lawful and property activities at schoolgrounds, playgrounds, parks or places wherein athletic contests take place are exempt from the provisions of this ordinance.

In addition, in locations where the ambient noise level generated by daily traffic on an adjacent street or by commercial aircraft exceeds the standards set forth in Paragraph 63.650, control of noise shall not be required to produce a sound level below that of the ambient noise level.